

NOMINATION OF JOHN W. CARLIN

Y 4. G 74/9:S. HRG. 104-606

Nomination of John W. Carlin, S. Hr...

HEARING

BEFORE THE
COMMITTEE ON
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED FOURTH CONGRESS
FIRST SESSION

ON
NOMINATION OF JOHN W. CARLIN TO BE ARCHIVIST
OF THE UNITED STATES

MAY 23, 1995

Printed for the use of the Committee on Governmental Affairs



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U.S. GOVERNMENT PRINTING OFFICE

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CONTENTS

Opening statement:		Page
Senator Roth	1	
Senator Glenn	3	

WITNESSES

TUESDAY, MAY 23, 1995

Hon. Robert Dole, U.S. Senator from the State of Kansas	1
John W. Carlin, to be Archivist of the United States	19
Biographical and financial information	8
Responses to pre-hearing questions	13
Gaddis Smith, Professor of History, Yale University, representing the Organization of American Historians and the American Historical Association	36
Susan E. Davis, Assistant Archivist, State Historical Society of Wisconsin and Council Member, Society of American Archivists	49
Howard P. Lowell, State Archivist and Records Administrator, Delaware State Archives and Immediate Past-President and Member, Board of Directors, National Association of Government Archives and Records Administrators	53
Martha Joynt Kumar, Professor, Department of Political Science, Towson State University and Vice President, Presidency Research Group, accompanied by Terry Sullivan, Professor, University of North Carolina at Chapel Hill and Secretary, Presidency Research Group	55

ALPHABETICAL LIST OF WITNESSES

Carlin, John W.:	
Testimony	19
Prepared statement	22
Davis, Susan E.:	
Testimony	49
Prepared statement	51
Dole, Hon. Robert:	
Testimony	1
Kumar, Martha Joynt:	
Testimony	55
Lowell, Howard P.:	
Testimony	53
Smith, Gaddis:	
Testimony	36
Prepared statement	38

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Statement Submitted by the Presidency Research Group	63
Statement of the National Association of Government Archives and Records Administrators	65
Letter of endorsement from former President Jimmy Carter	67
Letter dated May 22, 1995 from the University of Kansas School of Law	68
Letter dated May 24, 1995 from the American Library Association	71
Letter with enclosures, dated May 17, 1995, to Senator Roth from Stephen D. Potts, Director, Office of Government Ethics	77
Letter dated May 8, 1995 to Senator Roth from Thomas B. Buell	80

NOMINATION OF JOHN W. CARLIN TO BE ARCHIVIST OF THE UNITED STATES

TUESDAY, MAY 23, 1995

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:37 p.m., in room SD-342, Dirksen Senate Office Building, Hon. William V. Roth, Jr., Chairman of the Committee, presiding.

Present: Senators Roth, Glenn, Levin, and Dorgan.

OPENING STATEMENT OF CHAIRMAN ROTH

Chairman ROTH. The Committee will be in order.

This afternoon we are meeting to consider the nomination of John W. Carlin to be Archivist of the United States.

And in order to accommodate tight schedules, as the first order of business, I would like to recognize the distinguished Majority Leader, the Senator from Kansas.

We also had expected Senator Kasseebaum, but due to other commitments her statement of support will be entered into the record.

[The prepared statement of Senator Kasseebaum follows:]

PREPARED STATEMENT OF SENATOR KASSEBAUM

Mr. Chairman, I support the nomination of John Carlin to become the next Archivist of the United States. John is a proven leader, administrator, and public servant. As the governor of Kansas, John Carlin consistently demonstrated fiscal responsibility, openness, and a dedication to good government.

John has a proven commitment to the preservation of historical records. While serving as governor, he headed a drive to expand facilities for the state historical society and state archives. After completing his service as governor, he worked closely with the state historical society to catalog his own records, releasing them to the public just one year after he left office.

Upon graduating with honors from Kansas State University, John returned to the family farm and started a Holstein dairy operation and a dairy cattle sales management company. After a lengthy stint as a public servant, first in the Kansas House then as governor for two terms, he returned to the private sector. Since 1990, he has served as chief executive officer of Midwest Superconductivity, Inc., a Lawrence-based high technology firm. In this capacity, he has dealt firsthand with the expanding body of information in the world and know well the importance of accurate, timely information.

Chairman ROTH. Bob, it is a pleasure to have you here, and please proceed with your statement.

TESTIMONY OF HON. ROBERT DOLE, U.S. SENATOR FROM THE STATE OF KANSAS

Senator DOLE. Thank you very much, Mr. Chairman.

Senator Kassebaum could not be here; I just left her. She asked me to extend best wishes and obviously her support. We both know Governor Carlin very well, have worked with him in the past. We know that he will do an outstanding job.

But I want to say a word or two about the importance of the National Archives. You might say I have a special interest in the Archives, since we already have one Presidential Library in Kansas, and I am doing whatever I can to double that number, but in any event—— [Laughter.]

Senator DOLE. It is said that war is too important to leave to generals, and with all due respect, history may be too important to leave to the professional historians. More precisely, the history of America is too important to lock away in a marble building on Pennsylvania Avenue or to consign to academic specialists.

The National Archives is an invaluable source of information and, no less important, an inspiration for millions of Americans who yearn to know more about our origins and our collective history.

Last year alone, more than one million of our fellow citizens visited the Archives Building in Washington. Another 1.3 million visited the Nation's Presidential Libraries, and countless more visited Federal records centers to explore their family genealogy or attend public programs sponsored by the Archives.

And I suspect that only a very small percentage of those who use the National Archives every year have Ph.D.s. The vast majority have something more important than a Ph.D. They have a curiosity, and they have a pride in America's history. And these are the people who made Ken Burns and the Civil War a national phenomenon. These are the readers who made David McCullough's *Truman* a deserved bestseller, and these are the Americans to whom the Archivist of the United States must answer.

In this, the Archivist is no different from the rest of us who are temporarily entrusted with our positions. It seems to me the National Archives is very important, and certainly that is why we are here today.

I have known Governor Carlin for many years. We worked together on a lot of things that affected Kansas. In fact, I think we had sort of an agreement; we did not sign anything, but we would work together, Democrat and Republican. We did not go out and take each other on in the newspapers. I was in the Senate; he was in the Governor's office. We felt our obligation was to the people of Kansas, regardless of party affiliation, theirs or ours. And I believe he is uniquely qualified to serve as our National Archivist.

Following a period of internal strife and serious morale problems, the Archives needs a leader, someone with the ability to frame a coherent vision, the skills to communicate, and the willingness to tap the talents of every single employee of the agency. And I know that Governor Carlin is such a leader.

He demonstrated as much in spiriting the magnificent Kansas State History Museum and his continuing involvement with the Kansas State Historical Society. Far from disqualifying him, as some professional historians have suggested, Governor Carlin's political experience will make him a persuasive advocate for an agen-

cy whose cultural and educational possibilities are limited only by its resources.

As a member of the National Archives Foundation Board, the nominee understands better than anyone that in this era of shrinking budgets, the Archives will need to enlist private support to carry out its public obligations.

His years as a legislator and Speaker of the Kansas House also afford him a unique perspective on Congress and its oversight functions.

Finally, Governor Carlin has a wealth of firsthand experience in the preservation of Government records. When he left the Governor's office, he not only turned over all his papers to the Kansas State Historical Society, he did so with the assurance that the entire collection would be open as soon as possible and with no restrictions placed upon it. He proved to be a man of his word to the benefit of the future students of Kansas history.

So we are still, of course, combing through those records to see if he mentioned us anywhere. [Laughter.]

Senator DOLE. We have not found any reference, but I think if there are, they will all be positive, if I know John Carlin.

So I wanted to be here today to indicate my strong support and the support of my colleague, Senator Kassebaum, and to say to both Senator Roth and Senator Glenn that John Carlin will do a good job. He has got a lot of those good Midwest common-sense values which both Senators know about—Senator Roth originally from Montana, Senator Glenn from Ohio—and we are very proud to be from Kansas.

And so, John, I thank you for inviting me to come over and make my brief statement.

Chairman ROTH. Well, Senator Dole, we thank you for taking the time to be here this afternoon. I think it is critically important that any nominee to the position of Archivist have strong bipartisan support. And your high regard and personal endorsement is certainly something that will be respected by all members of the Senate.

I know you have a busy afternoon, and I appreciate your taking the time to be here.

Senator DOLE. Thank you.

Chairman ROTH. At this time, I am pleased to call on my colleague and Ranking Member, Senator Glenn.

OPENING STATEMENT OF SENATOR GLENN

Senator GLENN. Thank you, Mr. Chairman.

I want to welcome Governor Carlin, his friends and family to today's hearing. I also want to acknowledge and recognize the professional organizations we will hear from a little bit later.

Many people have wondered what all the fuss is over an Archivist, of all the positions in Government, that there seems to be a disagreement over this. I would gather that some of the groups would agree that anything involving the Archives lately has turned into a contact sport.

But there is a very real issue here. It is one that forms the essence of our Democratic system, and that is openness in Government and access to public records: what gets saved, under whose

control, when and how it is to be made available to the public. Senator Dole just mentioned that a moment ago.

These records at Archives are significant because they will form the basis of how we judge the policies and decisions of top Government officials up to and including the President.

Americans expect, rightly, to be able to hold their leaders accountable for their actions and to know what was done in their name. The preservation and proper disposition of such records, therefore, becomes important not only to us, but to our succeeding generations. In short, it is our legacy, our Nation's legacy.

The Archivist is the guardian of our heritage. His job is to preserve the integrity of our historical records, warts and all, from alteration or destruction. Which brings us to Governor Carlin.

Much has been made over how his background squares with the language of the law establishing this position. I am aware that questions have been raised about the appointment. At the same time, we cannot ignore the recent sorry history of the agency Governor Carlin will lead and its greatest needs at this particular time in its history.

The National Archives and Records Administration, NARA, has been plagued by a number of administrative and managerial problems which sorely need to be addressed.

In 1992, this Committee was sufficiently concerned that we released an investigative report which highlighted these shortcomings: the hiring and subsequent actions of its Inspector General, questionable contract awards, and quite unbelievably, the destruction and concealment of Government records—at the Archives, of all places.

Most of this occurred under the watch of an historian, Mr. Don Wilson, who I came to refer to as the Absentee Archivist. While he attended to other matters and visited Presidential Libraries around the country, I do not think he paid close enough attention to supervising and managing his agency. And that is something that has been desperately needed at Archives for a long time.

Instead, he left that task to others, some of whom might not have had the Archives' or the country's best interests at heart.

I hasten to add that the Committee's report, contrary to some assertions—I really resented these implications that it was a partisan report; it was not—was bipartisan in nature. It was done with the full cooperation and support of my distinguished Chairman, Senator Roth. In fact, its matters were so serious that a special investigation by the PCIE, the President's Council on Integrity and Efficiency, was ordered under President George Bush.

If Governor Carlin is confirmed, he will be inheriting an agency with a glorious mission and a managerial mess. More than 20 years after Watergate, the release of most of the papers and office tapes of President Nixon are still entangled in legal proceedings.

And to compound matters even further, Mr. Wilson ceded legal control of White House computer records to President Bush on the last night of his Presidency—Bush's Presidency, that is. Fortunately this arrangement has been overturned, so far at least, in court.

It would have allowed President Bush, as a private citizen, veto power over release of records that, among other things, might shed

considerable light over Governmental decisions concerning the Iran-Contra affair, our policy toward Iraq prior to the Persian Gulf War, and other sensitive matters. And under that agreement, President Bush could have also ordered the Archivist to destroy selected records.

So, concerns about maintaining the integrity of the President's records and ensuring that they are not treated as the personal papers of the President are serious concerns which should not be taken lightly.

Governor Carlin understands and appreciates this. It is extremely important that the Archivist faithfully and independently carries out the duties of this important position, so that he avoids even the appearance of any bias or deference toward the President in determining which of the President's records are Presidential and which are personal. And I have every confidence that John Carlin will carry out his duties as they should be carried out.

The Archives has many, many qualified individuals who are specialists in the technical fields of records research, of storage, of preservation, and dissemination.

What they do not have at the moment is someone who is a strong leader, a strong manager, with sufficient authority and respect, who will inspire its workers and revitalize its mission to meet the challenges of the 21st Century.

I think John Carlin fills that bill. He is a man of honesty and integrity. He has managerial experience, which is what the Archives needs most.

I know John Carlin. I respect him. I think he understands that to be successful in this job, the Archivist will have to be a hands-on manager.

I do have one other comment which must be made. I want to recognize and acknowledge the work done by the Acting Archivist, Dr. Trudy Peterson. During a rather difficult period, she has carried out her duties with professionalism, with vigor, and with commitment, and we in Congress owe her a large debt of gratitude. I hope the next Archivist will see fit to call on her expertise and knowledge of the agency as managerial decisions are made.

So again, I welcome the nominee. I am glad to support his nomination. And I look forward to his testimony as well as the testimony of the other witnesses that are to follow.

Thank you, Mr. Chairman.

Chairman ROTH. The National Archives was, of course, established in 1934. And 15 years later in 1949, as a result of recommendations from the first Hoover Commission, it was incorporated into the newly created General Services Administration where it remained until 1984. And due to difficulties in the relationship between GSA and the Archives, efforts were undertaken in the Congress to return the Archives to independent agency status.

In the Senate, these efforts were led by former Senators McC. Mathias of Maryland and Tom Eagleton of Missouri; in the House of Representatives, former Congressman Jack Brooks of Texas, Chairman of the Government Operations Committee offered the companion legislation.

This history is important to the consideration of Governor Carlin's nomination, because statements pulled from the Congressional Record in 1984 are being referred to relative to consideration of this nomination.

The Committee has received correspondence or a statement from each of these former members, and without objection, I will enter those into today's hearing record.

[The prepared statements of Senators Mathias and Eagleton and Congressman Brooks follow:]

METROPOLITAN SQUARE,
Washington, DC, May 17, 1995.

Hon. WILLIAM V. ROTH, JR.

*Chairman, Senate Governmental Affairs Committee,
U.S. Senate, Washington, DC.*

DEAR BILL: It is a fortunate circumstance that you will preside over the Governmental Affairs Committee consideration of the nomination of Governor Carlin to be Archivist of the United States. From your own extended service on the Committee you will remember that this situation was anticipated several years ago when the specific qualities required for the Archivist were defined in law. It is unnecessary to recite those qualifications for you, but those without the benefit of your experience can refer to the statute.

I do not know whether Governor Carlin meets the standard prescribed by law, many think he does not, but that is the issue that you and your colleagues on the Committee must decide. His record would indicate that he has many fine qualities, but it is mandatory that he can pass the legal test. In one sense that will make your task easier, but if his qualifications fall short, you will have the painful duty to withhold your consent.

In this case, at least, failure to agree to the nomination need have no negative implication on the candidate's character, but rather the simple fact that he was not trained and equipped to be a particular kind of expert. It is important, however, that the Committee's foresight and care should be respected in practice and demonstrated in this case.

Sincerely,

CHARLES MCC. MATHIAS.

PREPARED STATEMENT OF THOMAS F. EAGLETON

While serving in the U.S. Senate, I took an interest in the Archives. I viewed it as the forgotten soul of the Federal Government. My aim was to give the Archives its proper place in the sun with the hope that its materials and services would be of greater service and accessibility not only to scholars but to the public at large.

When we began drafting the Archives statute, some people suggested to us that we define the qualifications very narrowly, so as to require that the Archivist have doctorate degrees in either archival work or history. We thought that was much too narrow. I remember saying to my staff director (Ira Shapiro), "Some of the greatest librarians of Congress never had degrees in library services."

The law, as it finally emerged, did not specify either the archival or history background. Rather, the law spoke in general terms of "professional qualifications required to perform the duties and responsibilities of the office of Archivist."

JACK BROOKS,
May 17, 1995.

Hon. WILLIAM ROTH

Senate Governmental Affairs Committee, Washington, DC.

DEAR MR. CHAIRMAN: I have recently learned of the possible nomination of Ex-Governor John W. Carlin to the position of Archivist of the United States. Further, according to an article in the New York Times of May 6, 1995, his selection may be in trouble because groups of historians and archivists object to it on the basis that he is a politician, not an archivist.

This letter is not necessarily one of support for Governor Carlin, whom I don't know, but who I imagine would do a good job. The main purpose of my writing is to provide some background on the matter.

When the Congress passed the National Archives and Records Administration Act of 1984, which I authored, separating the Archives from the General Services Administration, we inserted in the law instructions to the President that the Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the Office of the Archivist.

I understand that some individuals have advised the Administration that this language means that the appointment must be limited to a professional archivist or historian. Let me assure you that this was not our intent when we passed this legislation.

To limit the President's choice of candidates to archivists or historians would be short-sighted and foolish. As honorable as these professions are, they do not necessarily provide the best training ground for the management skills required to run a diversified central management Federal agency.

The Archivist of the United States must have the skill and ability to deal with all Federal agencies, the Congress, the Judicial Branch, and the President, as well as a wide variety of outside interest groups and the general public. Study after study has emphasized that the Archivist must effectively manage the nationwide system of Records Centers that serve other Federal agencies, to oversee records and information management practices throughout the Federal Government and to oversee the Presidential Library System with its sizable and important museums and education programs.

The Archivist must also oversee a sizable publishing house in that the Archivist is responsible for the timely and accurate publication of the Federal Register, the Public Papers of the President, the Code of Federal Regulations and other critical Government publications.

While historians represent a very important Archives constituency, they are not the sole users of the Archives—the other Federal agencies are the prime users. Public users include political scientists, economists, documentary film producers, reporters, lawyers, and ordinary citizens, all of whom far outnumber historians as users of the Archives' holdings.

In my view, the most important professional qualifications that the Archivist must have are related to management, policy, communications, leadership and—indeed—political skills. Those are qualifications which I would assume a man with John Carlin's background possesses in great degree.

It's time for an Archivist to be named and for the squabbling to stop. If the President chooses not to name an historian or an archivist, then so be it. It isn't a requirement of law and it really isn't necessary, as long as the other qualifications are met.

Just thought you'd like to have the benefit of the views of the man who wrote the Act in question.

In the meantime, hope this finds you well and thriving and with kindest regards,
I am

Sincerely,

JACK BROOKS.

Chairman ROTH. In light of problems experienced when the GSA had the power to appoint the Archivist, there was a clear desire to have an independent professional as the head of the new independent agency, and ultimately the Presidentially-appointed and Senate-confirmed position of Archivist called for the selection of a professional who could make decisions and manage the agency without regard to partisan political pressures.

The statutory language states: "The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist." This is the statutory language that governs this Committee and the Senate in its role of advise and consent.

There appears to be a difference of opinion in how the statutory language should be interpreted. But in my mind, the main question to be answered is whether "without political affiliation" requires a nominee to have "no political affiliation."

It seems to me that "no political affiliation" is an unrealistic test, given the fact that the position is Presidential appointed. Thus the focus and balance comes to finding a candidate with the experience, character, and integrity to win the respect and trust on a bipartisan basis to become the trustee of our heritage.

Governor Carlin has demonstrated a commitment to the preservation of history in the State of Kansas and has experienced firsthand the process of archiving and provided access to the public of his official papers from two terms as Governor.

He has a distinguished record in business and public service and bipartisan support, as demonstrated by the strong statements of support from the Republican Senators from Kansas.

However, the nominee does not enjoy unanimous support, and we will be hearing testimony from representatives from several organizations regarding their views on this nomination.

The Committee rules mandate that an inquiry be conducted into the experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee has received information detailing the nominee's educational background, employment record, and professional achievements, as well as financial statements.

In addition, the nominee has responded in writing to prehearing questions submitted by the Committee concerning the duties and responsibilities of the office of Archivist. Copies of the nominee's biographical information and prehearing responses will be placed in the record as a part of this hearing.

[The biographical information and prehearing questions and responses of Governor Carlin follows:]

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEE

A. BIOGRAPHICAL INFORMATION

1. Name:

John W. Carlin

2. Position to which nominated:

Archivist of the United States

3. Date of nomination:

May 5, 1995

4. Address: (Home) 3226 SW Skyline Parkway, Topeka, KS 66614
(Office) 1315 Wakarusa Drive, Lawrence, KS 66049

5. Date and place of birth:

August 3, 1940, Salina, KS

6. Marital status:

Married to Diana Bartelli (Prentice) Carlin

7. Names and ages of children:

John David Carlin, 32; Lisa Marie Carlin, 30

8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.

Lindsborg Rural High School, 1954-1958, high school diploma

Kansas State University, 1958-1962, B.S. Dairy Science, May 1962

9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment.

(1) Dairy farmer; Carlin Farms (self-employed); Smolan, KS; 1962-1979

(2) Kansas legislator, State of Kansas, 1971-1979

(3) Governor of Kansas; State of Kansas; Topeka, KS; 1979-1987

(4) Visiting Professor of Public Administration and International Trade; Wichita State University, Wichita, KS, 1987-1988

(5) Business consultant; Economic Development Associates (self-employed); Topeka, KS; 1987-1992

(6) President and CEO; Midwest Superconductivity, Inc.; Lawrence, KS; 1990-1995
 (7) Vice Chairman of the Board; Midwest Superconductivity, Inc.; Lawrence, KS; 1995

10. Military service: List any military service, including dates, rank, and type of discharge.

None.

11. Government experienced: List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above.

Advisory Commission on Inter-governmental Relations (Reagan appointee), 1985-1987

12. Previous appointments: Prior to this appointment, have you ever been nominated for a position requiring confirmation by the Senate? If so, please list each such position, including the date of nomination, Senate confirmation, and Committee hearing, if any.

None.

13. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

First National Bank, Salina, KS, Board of Directors, 1971-1979
 Sunflower Sales, Smolan, KS, co-owner and operator, 1969-1978
 C&W Ranch, Smolan, KS, partner, 1980-1992

Governmental affairs consultant, Boeing Airplane Company, Wichita, KS 1987-1989

Clark Publishing, Inc., Topeka, KS, partner, 1991-present
 Carlin & Associates (consulting), Topeka, KS, partner, 1989-present
 National Pizza Company, Pittsburg, KS, director, 1987-present
 Kimberly Quality Care, Boston, MA, director, 1987-1991
 Hall-Kimbrell Environmental Services, Lawrence, KS, director, 1988-1990
 University of Kansas, Lawrence, KS, visiting lecturer, 1987-1988
 Washburn University, Topeka, KS, adjunct instructor, 1986
 Gubernatorial fellow and visiting lecturer, Duke University, Raleigh-Durham, NC, 1984, 1988, 1989

14. Memberships: List all memberships and offices held in professional, business, fraternal, scholarly, civic, public, charitable and other organizations.

Foundation for the National Archives, 1992-present
 Kansas International, Lawrence, KS, 1988-present; president, 1992
 Spring Hill (Z-Bar) Ranch, Inc., Board of Directors, 1992-1994
 Leadership Kansas Board of Trustees, 1987-1991
 International AIDS Research Hospital and Foundation (Pediatrics), Westlake, CA, Board, 1988-1992
 Kansas State University Foundation Board of Trustees, 1987-present
 Kansas State Historical Society Board of Directors, 1988-present
 Kansas State Essential Edge Campaign, National Steering Committee, 1989-1992

Kansas College of Technology Endowment Board, 1987-1991
 National Task Force on Defense Spending, 1990-1994
 Kansas Alliance for the Mentally Ill, Advisory Committee, 1991-1994
 Kansas Chamber of Commerce and Industry Board of Directors, 1987-1989
 Kansas State University Political Science Advisory Board, 1987-1994
 Kansas Business Hall of Fame, Inc., Board, 1988-1989
 Ford Foundation Commission on Rural America, 1987
 Kellogg Foundation and National University Continuing Education Association Commission on Future Academic Leadership for Continuing Higher Education, 1985-1987

National United Way Board of Directors, 1985-1987
 Our Savior's Lutheran Church Council, president, 1989-1990
 National Governor's Association, chairman, vice-chairman, executive board, 1980-1985

Midwest Governors' Conference, chairman, vice-chairman, 1981-1983

15. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Offices held:

Smolan Township Democratic Committeeman, 1964-1970
 Executive Committee Kansas Democratic Party, 1975-1979

Candidacy for Office:

Kansas House of Representatives, served 1971-1979
 Governor of Kansas, served 1979-1987; candidate, 1990
 U.S. Congress, candidate, 1994

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Fund raiser for Kansas Democratic legislative candidates through a political action committee, 1988-1990

Democratic National Committee 1988 unity committee

Clinton for President, Co-chair, Kansas Committee, 1992

(c) Itemize all political contributions to any individual, campaign organization, political parties or election committees during the last 5 years.

1-27-90 Shawnee County Democrats—\$75
 1-30-90 Kansas Democratic Party—\$100
 2-22-90 Kansas Democratic Party—\$704.75
 3-30-90 Black Legislative Caucus—\$50
 1-30-91 Comm. to elect Jeff Tymony—\$50
 2-15-91 Kansas Democratic Party—\$250
 3-15-91 Cook for City Council—\$50
 10-2-91 The Clinton Committee—\$250
 10-2-91 The Clinton Committee—\$250
 11-5-91 Cantwell for Attorney General—\$150
 1-17-92 Sally Thompson for State Treasurer—\$500
 1-17-92 Kansas Democratic Party—\$150
 1-17-92 Shawnee County Democratic Comm.—\$75
 2-5-92 Kansas Democratic House Legislative—\$50
 2-17-92 Kansas Democratic Senate Campaign—\$60
 2-21-92 Kansas Democratic Party—\$500
 2-22-92 Kansas House Democratic Legislative—\$80
 3-27-92 Clinton for President—\$200
 6-10-92 O'Dell for Senate—\$80
 6-19-92 O'Dell for Senate—\$100
 6-24-92 Clinton for President—\$300
 6-28-92 Cooper for County Commission—\$50
 7-2-92 Hamilton for District Attorney—\$100
 7-18-92 Lincoln County Democrats—\$185
 7-25-92 Walker for Senate—\$100
 8-20-92 Glickman for Congress—\$250
 8-30-95 Kansas House Democratic Fund—\$50
 9-27-92 Salvini for Kansas House—\$50
 10-4-92 Adam for Kansas State Senate—\$50
 10-4-92 Kinard for Kansas House—\$50
 10-4-92 Taggart for Kansas House—\$50
 10-6-92 Capital Area Fed. Democratic Women—\$50
 10-11-92 KS Demo. Coordinate Campaign—\$500
 10-17-92 Cline for County Treasurer—\$50
 10-17-92 Cooper for County Commission—\$100
 10-18-92 Slattery for Congress—\$250
 10-24-92 Kansas Senate Democrats—\$250
 10-24-92 O'Dell for Senate—\$200
 12-4-92 Kansas Coordinate Campaign—\$50
 1-9-93 Emily's List—\$100
 1-9-93 Presidential Transition Planning Fdn.—\$100
 1-27-93 Shawnee County Democratic Comm.—\$75
 2-10-93 Kansas Democratic Senate Fund—\$150
 2-20-93 Kansas Democratic Senate Comm.—\$160
 2-27-93 Kansas Legislative Victory Fund—\$250
 6-5-93 Kansas Democratic State Committee—\$50
 9-18-93 Walker for Senate—\$75
 10-1-93 Democratic State Committee—\$250
 10-1-93 Joan Hamilton for District Attorney—\$50
 10-1-93 Sally Thompson for State Treasurer—\$50
 10-19-93 Terry for Governor—\$100
 10-30-93 Shawnee County Democrats—\$50
 12-4-93 Kansas Coordinated Campaign—\$50
 1-28-93 Shawnee County Democratic Comm.—\$75
 2-8-93 Kansas Democratic Party—\$250
 2-17-93 Kansas Democratic Party—\$170

2-26-94 Kansas House Democrats—\$250
 3-4-94 Shawnee County Democrats—\$50
 3-14-94 Kansas Minority Caucus—\$50
 3-22-94 Kansas House Democrats—\$50
 1-1-95 Shawnee County Democrats—\$75
 2-24-95 Betty Dunn Council Campaign—\$100
 2-25-95 Kansas Democratic Party—\$170
 3-13-95 Campbell for School Board—\$100
 3-10-95 Kansas Young Democrats—\$50

16. Honors and awards: List all scholarships, fellowships honorary degrees, honorary society memberships, military medals, and any other special recognitions for outstanding service or achievements.

Honorary Doctor of Laws from Kansas State University, 1987

17. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written. It would be helpful for the Committee to have three copies of each published writing. Please denote any of those for which you are unable to provide copies.

*“Kansas Governors by Homer Socolofsky. A book review.” *Kansas History*, 14(2), 1991, pp. 127-28. (with Diana Carlin)

“The Governor as Administrator, Leader, and Communicator.” In Robert Behn, ed. *Governors on Governing*, Washington, D.C.: National Governors’ Association, 1991.

“A Typology of Communication Functions in Ballot Issue Campaigns,” *Political Communication and Persuasion*, 6, 1989, pp. 229-248. (with Diana Carlin)

Gubernatorial Perspectives on Transition: The Carlin-Hayden Transition in 1986, State Services Management Notes, Washington, D.C.: National Governors’ Association, 1988.

*“Coping with Competition in a Worldwide Arena,” *Business and Economic Report*, 18, March 1988, pp. 1-4.

Communication Strategies for Issue Campaigns, State Services Management Notes, Washington, D.C.: National Governors’ Association, 1988. (with Diana Carlin)

*“Continuing Higher Education: The State’s Role in Meeting the Challenge of the New Majority. *Journal for Higher Education Management*, 1987 (2), pp. 5-10.

“The U.S. Constitution and New federalism. *Detroit College of Law Review*, Winter, 1986, pp. 1076-86.

“Ah! Kansas.” *History News*, December 1985, pp. 14-15.

18. Speeches: Provide the Committee with three copies of any formal speeches you have delivered during the last 5 years of which you have copies and are on topics relevant to the position for which you were nominated.

“Why We Celebrate Memorial Day,” Address for the Society for the Preservation of Memorial Day, Topeka, KS, May 30, 1994

“The Art and Science of Doing Business in Japan,” Japan and America Face the 21st Century, Conference sponsored by the National Archives-Central Plains Region, April 16, 1993.

19. Congressional Testimony: Have you ever testified before a Committee of the Congress? If so, please provide details, including dates.

Yes.

U.S. House Select Committee on Aging, September 26, 1979

Surface Transportation Subcommittee, Senate Committee on Commerce, Science, and Transportation (Senate Bill 796), June 6, 1979

U.S. House Committee on Agriculture Hearings on World Hunger, July 21, 1981

U.S. House Budget Subcommittee Field Hearings on Agriculture, Atchison, KS, February 15, 1985

Committee on the Budget, U.S. House of Representatives, “The Impact of the President’s 1986 Budget on States,” March 11, 1985

* Copy not available.

20. Selection:

(a) Do you know why you were chosen for this nomination by the President?

I believe I was recommended to the President by individuals within the archival community and was ultimately nominated because my skills and experiences match the primary needs of the National Archives at this point in time. The position of Archivist of the United States is one requiring leadership, management, and communication skills. I have a proven record in the public and private sectors of having those skills.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I have a record of support as a legislator, governor, and private citizen for historical and archival projects in the State of Kansas, and I currently serve as a member of the Board of the Kansas Historical Society and the National Archives Foundation Board. I have personal experience making decisions regarding the selection and availability of government records from my administration as Governor of Kansas. I have management experience, budget experience, and experience working with Congress. I have worked successfully with numerous constituency groups and with public/private partnerships.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Yes.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association, or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

None.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

None.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

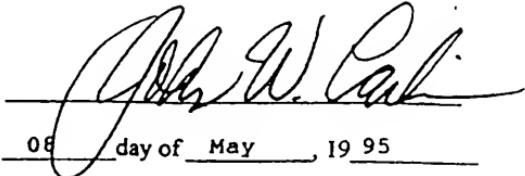
While Governor of Kansas, I recommended and advocated appropriate budgets and legislation for what I believed to be in the best interests of Kansans.

E. FINANCIAL DATA

Retained in Committee Files.

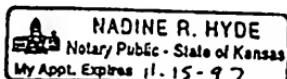
AFFIDAVIT

John W. Carlin being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.



Subscribed and sworn before me this 08 day of May, 19 95

Nadine R. Hyde
Notary Public



PRE-HEARING QUESTIONS FOR JOHN W. CARLIN

I. NOMINATION PROCESS AND POTENTIAL CONFLICTS

1. Why do you believe you were selected to serve as Archivist of the United States?

I believe I was selected because of the executive experience and know-how I gained in two terms as Governor of the State of Kansas, together with my belief in and commitment to the mission of the National Archives.

2. Were any conditions, express or implied, attached to your nomination?

There were no conditions, expressed or implied, attached to my nomination.

3. Have you made any specific commitments with respect to the basic policies and programs you will seek to implement as Archivist? If so, please describe these commitments and to whom they were made.

I have made no specific commitments.

4. Why do you feel that you are particularly well qualified to serve in this position?

First and foremost, I believe that the experience and know-how I gained in two terms as Governor of Kansas will be invaluable in leading the National Archives into a new information age. The Archives is a large, multi-faceted government institution facing complicated management, financial and information issues. It must work with and provide services for a variety of constituencies, including all three branches of government, professionals and scholars, and the general public. It requires strong, disciplined, enlightened, bi-partisan and independent leadership. Of course, I am not a professional historian or archivist, but I believe my service as Governor has given me important and relevant experience of another kind and has prepared me well for the leadership role that this position requires.

Further, I am committed to the mission of the Archives. I am dedicated to openness in government and to preserving and making available government information so that the living historical record of this nation can be better understood and appreciated by scholars and the general public alike. My experience as Governor has made me well acquainted with issues of record selection and preservation. And my interest in historical and archival matters is evident from my service on the Boards of Directors of both the Foundation for the National Archives and the Kansas State Historical Society.

5. Why did you take this appointment to be Archivist?

I accepted the appointment to be the Archivist both because it is an immense challenge and a great opportunity and because I believe I am well qualified to provide the leadership necessary for the National Archives. I am excited by the chal-

lence of leading this institution into the next century. The Archives needs to adapt to changing technologies and to reach out to new consumers of the information superhighway. To be effective, the Archives also must survive in an era of reduced government spending. Having served on the Foundation for the National Archives, I am well equipped to work with the private sector and to increase support for the Archives.

6. Is there any issue currently under consideration by the National Archives from which you may have to disqualify yourself? If so, please explain.

To my knowledge, there are no issues currently under consideration by the National Archives from which I would have to disqualify myself.

II. ROLE AND RESPONSIBILITIES

1. What do you believe is the primary mission of the National Archives and Records Administration (NARA)?

Under the law, the primary mission of the National Archives is to identify, preserve, and make available the permanently valuable records of the federal government and related donated historical material. Beyond that, it is the obligation of the Archives to function as a central management agency for the Federal Government. This is accomplished in part by fostering the effective and efficient management of the Nation's records, and in managing a network of Records Centers for Federal agencies. Also, it is NARA's responsibility, through the Office of the Federal Register, to issue the *Federal Register* and the *Code of Federal Regulations*, as well as performing several other management functions.

The National Archives is also one of the nation's richest cultural resources. Through its network of Washington area and regional archives and its Presidential Libraries, NARA has the opportunity to meet the research and educational needs of millions of researchers and museum visitors each year. Whether providing valuable documentation for veterans, making available materials for scholarly research, or disseminating educational programs to the general public, the Archives is one of the Nation's most valuable cultural assets.

2. What do you believe to be the role, responsibilities, and most important functions of the position to which you have been nominated?

I believe that the chief responsibility of the Archivist is to more fully realize the mission outlined above in an environment of diminishing resources. Above all the Archivist must provide leadership and effective management to the National Archives and ensure that more Americans have greater access to its historical records and other documents.

3. What, in your view, are the most pressing problems facing NARA?

Like other agencies, NARA must effectively carry out its mission and programs in an era of reduced resources. This problem is further complicated by the fact that as government agencies are downsized and their records are retired to the archives, the burden on the Archives grows. Similarly, the demands placed on the Archives by constituencies grow, rather than diminish, despite the pressure of shrinking resources.

Other problems relate to the new technologies which present great promise in improving public access to records and in managing records, but which also pose major challenges in terms of their technical complexity, and the resources required to implement them.

Given the challenges facing NARA, and given the current fiscal environment, it will be necessary to plan carefully and set priorities.

4. The deputy Archivist of the United States, by law "shall perform such functions as the Archivist shall designate." 44 U.S.C. 103(c). Please describe your plans for the responsibilities of, and the relationship between, the Archivist and the Deputy Archivist.

At the outset, I want to state that, if confirmed, I will undertake the full and complete responsibility for the management and administration of the Archives.

The relationship between a director or head of an agency and his or her deputy is a special one. It will vary depending on the special skills each brings to the job, their personalities, and their working relationship. My decision on how I will work with the deputy would depend on the particular balance of skills the two of us bring to the job.

My management style is to identify a major issue, bring in relevant information from a variety of knowledgeable sources, including the deputy, and make the decision.

5. During the 102nd Congress, the Committee on Governmental Affairs, in the course of its investigation of serious mismanagement problems at NARA, found that the NARA Inspector General (IG) had engaged in inappropriate activity. Please de-

scribe your plans for the relationship between the Archivist and the IG Office, including your plans for assuring that the IG would not engage in inappropriate activity.

First, I both understand and intend to execute the responsibilities of the Archivist towards the Inspector General in the manner prescribed by the Inspector General Act, and as emphasized in the 1992 report of the Committee. The sole and exclusive responsibility of the Archivist with regard to the Inspector General is to ensure the independent operations and performance of the duties of the Office of Inspector General, and, where necessary, to select a new Inspector General through an appropriate process. In the event of the selection of a new Inspector General, I would ensure, through consultation with the appropriate offices at the Office of Management and Budget and the President's Council on Integrity and Efficiency, that a selection process was consistent with practices recommended for agency Inspectors General who do not require the nomination by the President and confirmation by the U.S. Senate.

Let me underscore that I believe in the independence of the Inspector General. Any I.G. engaging in inappropriate activity would lose the trust and confidence of the Congress and of the agency the I.G.'s office serves. Should inappropriate behavior occur, I would take steps, in consultation with Congress, to rectify the situation.

6. During the past couple of years, press accounts from time to time have revealed disruptive policy disputes among NARA senior staff. What are your plans for promoting a more harmonious work environment at NARA?

First, I intend to surround myself with the best possible people. In any management situation, I think it is most important to be candid with your staff and to expect and invite candor in return. I plan to reach out and work with the staff. I see managing the Archives as a real team effort to carry out the agency mission. Furthermore, as part of my initial efforts, I will meet with senior staff to find out their concerns.

7. What do you believe to be the relationship and responsibilities of NARA to (a) the President; (b) the Congress; and (c) the executive agencies, especially with respect to OMB, the Department of Justice, and GSA?

The Archives serves all three branches of government. The Archives is an agency within the executive branch. For matters such as budget preparation and personnel management, NARA is just like other executive agencies.

With regard to the Presidency, NARA has a special role to advise in matters relating to records management and to provide guidance on the disposal of presidential records under the Presidential Records Act and in providing access to Presidential records. Because of NARA's unique role, its relationship with the President is even more independent than typical independent agencies.

There is a special relationship between NARA and the Congress, because the National Archives is the keeper of the records of Congress. Also, in view of Congress's oversight responsibility, there should of course be a close working relationship between Congress and the Archives. Congress and this Committee in particular share a great interest in maintaining and preserving our national history and in ensuring that the Archives provides access to that information.

As to federal government agencies it is the role of NARA to assist them in saving appropriate records for both agency, use and archival purposes. Thus, the Archives provides guidance to all agencies on a wide range of records issues.

NARA shares records management responsibility with OMB and GSA in implementing the Paperwork Reduction Act, the Privacy Act, and other records management responsibilities. GSA supports NARA's facilities management, and NARA will need to work carefully to plan for its current and future needs. OMB plays a critical role in assessing the impact of regulations as well as legislative initiatives. With regard to Justice, it serves as the attorney for the federal government, including the National Archives. As such, the Department of Justice will advise the Archives on pending litigation and on fulfilling legal responsibilities.

III. RECORDS MANAGEMENT

1. In your view, who has the right to determine what constitutes a "federal record"? What sorts of documents do you believe should and should not be defined as "federal records"? Do you believe any changes are needed in the Records Management Act? If so, please describe.

It is my understanding that under current law, each agency head makes the determination, based upon the Federal Records Act, as to what constitutes a federal record. The National Archives is responsible for providing guidelines, manuals, and training for agencies to use in making that determination.

In the framework of the current system, individual judgments can be questioned. However, I would not recommend changes in the law at this time. Rather, I would recommend that we enhance our program of guidelines, training, etc. For example, changing and emerging technology warrants additional guidance on new issues of importance to all government agencies.

2. Do you believe any changes in the Freedom of Information Act are warranted? How, as Archivist of the United States, would you act to reduce the costs and increase the benefits of FOIA with respect to federal records?

The Freedom of Information Act is necessary to ensure the accountability of government and to provide access to the records of our government. Of course, one of the Archives' goals is to provide records to the public pro-actively without forcing citizens to resort to the often time consuming FOIA process. I have no specific recommendations for changes in the Act at this time. Without further study and input, I am not in a position to suggest proposals to cut costs or increase access.

3. In a time of restricted budgets and expanded demands on NARA, do you believe user fees for locating records and helping researchers and other executive branch agencies are a valid way of off-setting costs?

At the present, I do not believe so. However, I would not rule it out given financial conditions and may want to undertake an in-house review of the subject and survey of users. I believe strongly that citizens have a right to have access to government information that may affect their rights or may relate to their research interests.

I look forward to working with this Committee and the Congress on exploring this area.

4. What steps would you take to assure that the decision-making process of the Archivist with respect to screening and appraisal of records is free of external influence by the creating agency, by other executive branch agencies, by Congress, or by any other person?

Having quality personnel of the highest integrity in all key decision making positions would be the most critical step. I am not aware of any problems in the current decision-making process. If any such problems come to my attention, I will deal with them forthrightly.

5. The Archivist may establish standards and procedures, in addition to those prescribed by law "to assure efficient and effective records management." 44 U.S.C. 2902. In view of the President's efforts at creating a government that works better and costs less, what plans or ideas do you have to improve records management policy and practices to encourage other executive branch agencies to create and maintain records which will facilitate their ultimate screening, preservation, and disposal?

I will work closely with NARA's Office of Records Administration, the Office responsible for encouraging improved records management techniques and practices in the Federal Government. And I plan to work hard to further cooperation with and awareness of the agencies in dealing with records management responsibilities.

6. The Paperwork Reduction Act prescribes cooperative efforts between the Archivist and the Director of the Office of Management and Budget regarding records management activities (e.g., 44 U.S.C. 3504(e)). Please describe your plans for making effective use of the assistance of the OMB Director in fostering better records management practices.

I intend to work closely with OMB to help improve records management activities in the Federal Government. In particular, I will work with OMB in developing agency guidance and training, and in developing standards and regulations that support improved records management practices. In addition, as we carry on our evaluation program, I would like to see agencies that are particularly effective in their records management programs receive the praise they deserve.

IV. RECORDS PRESERVATION AND ACCESS

1. In 1992, Congress legislated special arrangements for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy, and the National Archives has played an important role in the effort. In your view, are there other cases where similar special arrangements might be established, statutorily or by NARA initiative, for the expeditious disclosure of government records having permanent historical value?

It is premature for me to respond fully to the question. I am aware that there are important areas of records disclosure which have been controversial, as were the files related to the assassination of the late President Kennedy, which remain a subject of public and congressional concern. These range from the papers of the presidency of Richard Nixon, to the breadth of materials involving prisoners of war in

Southeast Asia. If confirmed, I will undertake to identify the areas of greatest interest and those which need special attention.

2. On April 17, 1995, the President issued E.O. 12958 establishing a policy and procedure for the security classification of government information. One section of the directive prescribes that, over the next 5 years, "all classified information contained in records that (1) are more than 25 years old, and (2) have been determined to have permanent historical value . . . shall automatically be declassified whether or not the records have been reviewed." What plans do you have regarding the implementation of this requirement?

As you know, this Executive Order was signed only recently. My understanding is that NARA is now working with agencies to formulate an implementation plan, but that the plan is not yet finalized. If confirmed, I will review NARA's planning and will certainly keep the Congress and others informed of NARA's progress.

V. ELECTRONIC RECORDS

1. How do you see the growth off government records in electronic formats affecting NARA's responsibility and operation?

The responsibility is the same regardless of the format of the record.

There are some similarities between the challenges faced by NARA and those faced by other agencies in the information age. Of critical importance is the development and continuous updating of the skills staff must have to deal with records in the electronic format. For NARA this means that professional archivists and other staff working with these records must be knowledgeable not only in traditional archival skills, but also in computer skills.

As more of NARA's permanent records come in electronic format, I see an immediate impact on the Archives' preservation responsibilities—in that maintaining electronic records initially is more costly and time consuming. I would also see a dramatic impact on how NARA makes its records available to the public. On the other hand, there is a potential for savings in the long run in facility costs as records are increasingly miniaturized.

As with most agencies in the information age, there will be many blessings associated with the growth of electronic formats, perhaps foremost in NARA's ability to provide increased access to a greater range of information—but this will not come without costs and challenges.

2. What priority would you give to making NARA's holdings available electronically via network access to the public?

I would give a very high priority to making NARA holdings available electronically. Not only is there great potential for increased access, but in the long run there is potential for savings in providing such information. I think the difficulty is not the decision to move ahead in this area, but making the associated determinations as to the priorities within the Archives' holdings i.e., which records first and finding up-front resources.

3. With regard to the preservation of historically valuable government records in electronic format, what improvements in Federal policy and practice do you think are needed?

I understand that the Archives has received a number of recent reports on needed improvements in policies and practices related to electronic records. I would want to first review these recommendations to ascertain their status. I understand that NARA also has an ongoing effort to develop a strategic plan for electronic records. I would want to review this plan and support these continuing efforts. I would also want to review the resources now devoted to this important activity, and this review may suggest where improvements are-needed.

The recent court decisions and responses by the agency are the beginnings of a larger undertaking requiring immediate attention and leadership. I intend to make this a priority.

4. What plans do you have concerning the assistance NARA should provide to Federal agencies regarding the management of information in electronic formats and the preservation of such historically valuable information.

In my visits and discussions with Archives personnel and others I have become aware of a wide range of assistance now provided to agencies, including training, guidelines, and practical handbooks. My plans for such assistance would be to continually ensure that by working with NARA's professional staff and the agencies, NARA's assistance is comprehensive, up to date, useful to the agencies, and results in the desired end product—the preservation of historically valuable information that agencies create and/or maintain in electronic format. I also understand that NARA has an inspection program that can help provide agency feedback on the helpfulness and quality of NARA's guidance.

5. What long-term implications for records management, preservation, and access do you see, given the rapid development of the digital information revolution?

As discussed above, I see the need for continuous development of the staff's skills in order to use and to evaluate the appropriate use of this technology. Whether or not documents are preserved in a digital format must be determined after careful study of the short and long-term costs and cost savings and the expanded accessibility it offers. Rapid changes in the technology, questions about the lifespan of these records and security breaches are all issues which must be considered. It is important to remember that while technology may better improve access for some, we cannot afford to preserve all documents in this format. Decisions will have to be made about which documents warrant preservation through this technology. It is important to note that preserving documents in this format does not reduce demands on storage of paper documents because of the issues of lifespan and technology changes in the long-term.

VI. PRESIDENTIAL LIBRARIES

1. Individual libraries now exist for each of our former Presidents, beginning with President Hoover. With the exception of the Nixon library in Yorba Linda, California, each of these presidential libraries is maintained at public expense, and there is no limitation on the continued establishment of such facilities for succeeding Presidents. What plans or ideas do you have concerning the future of the presidential libraries program, particularly the addition of new facilities and increased costs?

The Presidential Libraries need to build on the private/public partnership which already exists. Implementing and monitoring the new endowment requirement will be important.

The libraries play an important role in the Archives system, bringing the resources of the Archives outside of Washington to people all around the country. For example, in fiscal year 1994, 1.4 million people visited the libraries.

However, despite the importance of the presidential libraries system, there has been little in the way of a comprehensive review of the implementation of the law and the system in general. I plan to undertake such a review.

2. The suggestion has been made that, as an economy reform, the operation of the presidential libraries might be privatized. What thoughts do you have regarding this idea?

As indicated above, there already is a major history of public/private partnership: Taking it to the extreme might harm NARA's role in protecting and making available valuable permanent records.

The cost and capital support of the presidential libraries will be part of the review I plan to conduct. The current private-public partnerships involved in the establishment and operations of the presidential libraries seems to ensure that the individual libraries are accessible and continue as a plentiful cultural resource. This program has a long history of success, particularly in supporting, for example, state archival work, and I would want to work for improvements.

VII. PUBLICATIONS

1. Do you have any plans to upgrade the *Federal Register* or *Code of Federal Regulations* regarding content, format, or cost? If so, what changes would you make?

Both the *Federal Register* and the *CFR* are valuable tools for the government and the public. I have no specific recommendations for changes at this time. I do, however, intend to consult with federal agency representatives and interested members of the public, as well as staff of the Office of the Federal Register, to see if current processes can be further streamlined.

2. What plans or ideas do you have regarding the publications program of the National Historical Publications and Records commission?

It will be necessary to explore the costs and benefits of the program as currently configured. I will work with the editorial community, customers, and the NHPRC staff to see if the program can be made more cost effective. I would be particularly interested in exploring with these groups the possibilities of electronic publication.

VIII. RELATIONS WITH CONGRESS

1. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Yes.

2. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?
Yes.

Chairman ROTH. The financial statements are available for inspection by the public in the Committee office.

The Committee staff has reviewed all of this information. In addition, staff has examined the financial disclosure reports submitted by the Office of Government Ethics and the National Archives Ethics Officer.

To ensure that no conflicts of interest are present, the nominee has set forth an ethics agreement, which will be implemented if he is confirmed by the Senate, severing his current employment relationships and memberships on various Boards. This will be placed in the Committee record.¹

Chairman ROTH. I, as Chairman of the Committee, and Senator Glenn, Ranking Minority Member, have reviewed the FBI background investigation report on the nominee. And finally the nominee has been interviewed by designated Committee staff members prior to this hearing.

The Committee rules also require that all nominees be under oath while testifying on matters relating to their suitability for office, including the policies and programs which the nominee will pursue, if confirmed.

Governor Carlin, will you please rise and raise your right hand?
[Witness sworn.]

Chairman ROTH. Thank you. Please be seated. At this time, I would like to give you an opportunity to recognize any members of your family that are here today.

Governor CARLIN. Thank you, Mr. Chairman. I would like to introduce my wife, Diana, who is with me today.

Chairman ROTH. Diana, we are very pleased to have you here today on this, I know, most important occasion.

I understand your son cannot be present. He had a bicycle accident. So we hope he is making a speedy recovery.

Governor CARLIN. We hope so too.

Chairman ROTH. Governor Carlin, do you have an opening statement you would like to make?

Governor CARLIN. Yes, I do.

TESTIMONY OF JOHN W. CARLIN, TO BE ARCHIVIST OF THE UNITED STATES

Governor CARLIN. Chairman Roth, Senator Glenn, it is an honor and pleasure to appear before you today as the nominee to become Archivist of the United States.

I want to give special thanks to Senator Bob Dole for introducing me and to him and Senator Nancy Kassebaum for their enthusiastic support.

Today I appear before you to discuss my nomination and my vision for the leadership of the National Archives. I come here mindful that my nomination is unconventional and that certain questions have been raised. With that in mind, I want to address three

¹See page 77

issues: my qualifications, the concerns of those who seek a traditional nominee, and my general goals for the Archives.

While the National Archives must preserve our past, it cannot live in the past. As I have studied the Archives' history and its current challenges, it is clear to me that what the National Archives needs today more than anything else is a leader who has the managerial skill to guide this important institution into the 21st Century.

This Committee's 1992 oversight hearings and more recent questions at House Budget hearings suggest that the agency requires an Archivist skilled and experienced in dealing with the complexities of running a large agency with many constituencies. I also believe that the American people want a National Archives that is compatible with their demand for a Government that does more with less and that is more responsive and less bureaucratic.

I share their concerns. And my entire professional career has been one of providing first-rate services in the most efficient and cost-effective manner possible.

As Governor of Kansas, I administered a budget of over \$3 billion and oversaw 40,000 State employees. I hired and I fired staff.

I had to make decisions about a vast number of issues. Many times I had to rely on advice from experts inside and outside of Government.

I proposed and I implemented budgets. I worked in a bipartisan manner with the legislature. I reduced the size of State Government. I cut spending and learned how to do more with less. I encouraged innovation, especially in the area of public/private ventures. I was accountable to the people.

As a businessman, I helped start a company in a field in which I was not an expert. And as I did in State Government, I surrounded myself with the best individuals I could find, and the company has experienced success in the field of superconductivity.

In other words, I know how to administer, how to lead, how to identify talent and encourage it to produce, and how to reach consensus on contentious issues.

Throughout my political career, I had a special interest in archival issues. As Governor, I oversaw the budget of the State Historical Society, worked to fund a new Museum of History, as well as preservation activities, and sought advice from historians on projects.

Perhaps more importantly as relates to this position, I worked with archivists to determine what records from my years as a legislator and Governor were to be given to the State Historical Society, and those documents were open without restriction within 1 year of my leaving office.

I have also used my records in my teaching, in writing scholarly papers, and I have served on the Boards of the Kansas State Historical Society and the National Archives Foundation.

As a result, I understand the recordkeeping and access responsibilities of the agency. I understand the issues related to preserving documents in an electronic age, and I appreciate the challenges associated with reconciling historical needs and limited resources.

I am familiar with the 1984 law establishing the agency's independence and outlining the Archivist's responsibilities. And I believe my experiences qualify me to serve.

I do acknowledge that there are those who disagree. And I would summarize their objections, as I see them, primarily as being two concerns: politicizing the position and what constitute professional qualifications.

My nomination is characterized by some as political. As I stated publicly in a letter to the *Chronicle of Higher Education*, I was sought out for this position by members of the archival community who believe my background meets the Archives needs. I did not seek this job. And more importantly no one with political interest initiated my nomination. And if I am confirmed, I fully intend to refrain from engaging in political activity.

The argument from some that my political background disqualifies me appears to be based on their interpretation of the phrase, "appointed without regard to political affiliations", to mean a non-partisan background. I would contend that the two are not synonymous.

My view on the need to maintain the political independence of the Archivist is clear, unambiguous, and should be set forth in the public record. The political independence of the Archivist is paramount to fulfilling the statutory responsibilities. It is a requirement that is non-negotiable, and I intend to uphold the principle.

The second objection relates to the provision that the appointment be made solely "on the basis of professional requirements required to perform the duties and responsibilities of the office of Archivist."

The statements you have from two of the authors of the 1984 law indicate that they had no intention of limiting the President's choice of candidates to historians or archivists.

If I and others did not believe that I could do the job as the law prescribes and the people of this country deserve, I would not be here today.

And I intend to do the job by administering the agency in a manner that supports and allows the staff to perform their archival and related functions. I will devote all of my time to hands-on leadership to address financial, administrative, and personnel issues. I intend to review the agency's operations to determine how to meet budgetary constraints and growing demands. I will study the problems associated with storage, access, and availability of electronic documents. I will involve the agency with outside professional organizations, state and local archives, and users to learn how to better serve the mission of the Archives.

I will work with Congress and be responsive to your needs and concerns. I will work to find ways to expand private funding of Archives' projects. I will do all I can to enable more Americans to take advantage of this remarkable repository.

And finally, I will make decisions. I will carry them out. And I will gladly explain them privately and publicly when necessary. I will have an open-door policy for all, including those who have concerns about my nomination.

In summary, I thank President Clinton for having the courage to acknowledge that the Archives must change and that a new type of leadership is essential.

I am excited about the position of Archivist of the United States, because it is one filled with both challenges and opportunities.

I pledge to the President, to this Committee, and to everyone who has a stake in the National Archives—and that is all Americans—that if confirmed, I will do my best to honor the principles outlined in the documents the Archives displays. Openness in Government is a symbol of a democracy, and I will protect both the symbol and the practice.

I thank you for this opportunity, and I look forward to your questions.

PREPARED STATEMENT OF JOHN W. CARLIN

Chairman Roth, Senator Glenn, and members of the Committee. It is an honor and a pleasure to appear before you today as the nominee to become Archivist of the United States. I want to give special thanks to Senator Bob Dole and Senator Nancy Kassebaum for introducing me and for supporting my nomination enthusiastically.

Today, I appear before you to discuss my nomination and my vision for the leadership of the National Archives. I come here mindful that my nomination is an unconventional one and that certain questions have been raised. With that in mind, I want to address three issues: my qualifications; the concerns of those who seek a traditional nominee; and my general goals for the Archives.

While the National Archives must preserve our past, it cannot live in the past. As I've studied the Archives' history and its current challenges, it is clear to me that what the National Archives needs today, more than anything else, is a leader who has the managerial skill to guide this important institution into the 21st century. This committee's 1992 oversight hearings and more recent questions at House budget hearings suggest that the agency requires an Archivist experienced and skilled in dealing with the complexities of running a large agency with many constituencies. I also believe that the American people want a National Archives that is compatible with their demand for a government that does more with less—and that is more responsive and less bureaucratic.

I share their concerns, and my entire professional career has been one of providing first-rate services in the most efficient and cost-effective manner possible. As Governor of Kansas I administered a budget of over \$3 billion and oversaw 40,000 state employees. I hired and fired staff. I had to make decisions about a vast number of issues. Many times I had to rely on advice from experts inside and outside of government. I proposed and implemented budgets. I worked in a bipartisan manner with the legislature. I reduced the size of state government. I cut spending and learned how to do more with less. I encouraged innovation, especially in the area of public/private ventures. I was accountable to the people.

As a businessman, I helped start a company in a field in which I was not an expert. But as I did in state government, I surrounded myself with the best individuals I could find, and the company has experienced success in the field of superconductivity.

In other words, I know how to administer, how to lead, how to identify talent and encourage it to produce, and how to reach consensus on contentious issues.

Throughout my political career, I had a special interest in archival issues. As governor, I oversaw the budget of the state historical society, worked to fund a new museum of history and preservation activities, and sought advice from historians on projects. Perhaps more importantly, as relates to this position, I worked with archivists to determine what records from my years as legislator and governor were to be given to the state historical society and those documents were opened without restriction within 1 year of my leaving office. I have also used my records in my teaching and in writing scholarly papers and have served on the Boards of the Kansas State Historical Society and the National Archives Foundation.

As a result, I understand the record keeping and access responsibilities of the agency. I understand the issues related to preserving documents in an electronic age, and I appreciate the challenges associated with reconciling historical needs and limited resources.

I am familiar with the 1984 law establishing the agency's independence and outlining the Archivist's responsibilities, and I believe my experiences qualify me to serve. I do acknowledge that there are some who disagree and as I summarize their objections, I see primarily two concerns: politicizing the position and what constitutes "professional qualifications."

My nomination is characterized by some as political. As I stated publicly in a letter to *The Chronicle of Higher Education*, I was sought out for this position by members of the archival community who believed my background meets the Archives' needs. I did not seek this job, and more importantly, no one with political interests initiated my nomination. And, if confirmed, I fully intend to refrain from engaging in political activity.

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My view on the need to maintain the political independence of the Archivist is clear, unambiguous, and should be set forth in the public record. The political independence of the Archivist is paramount to fulfilling the statutory responsibilities. It is a requirement that is nonnegotiable, and I intend to uphold the principle.

The second objection relates to the provision that the appointment be made "solely on the basis of professional qualifications required to perform the duties and responsibilities of the office of Archivist." Statements you have from two of the authors of the 1984 law indicate that they had no intention of limiting the President's choice of candidates to historians or archivists.

If I and others did not believe that I could do the job as the law prescribes, and the people of this country deserve, I wouldn't be here today. And I intend to do the job by administering the agency in a manner that supports and allows the staff to perform their archival and related functions. I will devote all of my time to hands-on leadership to address financial, administrative, and personnel issues. I intend to review the agency's operations to determine how to meet budgetary constraints and growing demands. I will study the problems associated with storage, access, and availability of electronic documents. I will involve the agency with outside professional organizations, state and local archives, and users to learn how to better serve our mission. I will work with Congress and be responsive to your needs and concerns. I will work to find ways to expand private funding of Archives projects. I will do all I can to enable more Americans to take advantage of this remarkable repository. And, finally, I will make decisions. I will carry them out. And I will gladly explain them privately and publicly, when necessary. I will have an open door policy for all, including those who have concerns about my nomination.

In summary, I thank President Clinton for having the courage to acknowledge that the Archives must change and that a new type of leadership is essential. I am excited about the position of Archivist of the United States because it is one filled with both challenges and opportunities. I pledge to the President, to this Committee, and to everyone who has a stake in the National Archives, and that is all Americans, that if confirmed I will do my best to honor the principles outlined in the documents the Archives displays. Openness in government is the symbol of a democracy, and I will protect both the symbol and the practice. I thank you for this opportunity, and I look forward to your questions.

Chairman ROTH. Well, thank you, Governor Carlin.

What do you see, if you are confirmed, as your greatest challenge at the Archives, and why do you believe that you are the right person for that job?

Governor CARLIN. I would hesitate to go to one concern. Let me quickly mention four without going into depth.

One, I think there are a lot of administrative quick decisions that need to be made as a result of having an Acting Archivist for a long period of time, and I would say, and add to Senator Glenn, I would share my respect for Dr. Peterson operating 3 months at a time. Calling that long-range planning does not work very well. So there are a lot of decisions to be made very quickly.

But beyond that, I am concerned about the electronic issue in a total way. I am concerned about the space issue, both in terms of quantity and quality. And I am very concerned about opening up

the Archives to more people and doing so in a way that satisfies the pressing budgetary demands.

Chairman ROTH. Well, as you are aware, we will be hearing testimony in opposition to your nomination from two of the oldest and largest historical associations and the Society of American Archivists.

If confirmed as Archivist, how might this strong opposition influence your decisions regarding issues that affect these groups?

Governor CARLIN. Mr. Chairman, first let me add that on your first question, I did not add why I felt I was the one to address those issues. And I would just simply say I think in my opening statement I made it clear that my experience will benefit me on all of those issues in moving forward.

As to your second question in regard to those organizations who oppose my nomination, how will I work with them?

First of all, I have had a little experience at being opposed in several different capacities, both in the political arena as well as being in Government. I do not make lists. I move on. And it will be my promise to you—and I intend to keep it—that I will communicate with all the interested parties.

The Archives is a very fascinating agency for many reasons. But I would imagine despite its, relatively speaking, small size, that the list of constituencies would compete with a lot of large Government agencies. And so I definitely recognize, one, that there are those who oppose me, and, two, one of the challenges is to communicate in general with user groups, constituency groups, that have a real interest for a variety of reasons: two-way communication in terms of sharing information, as well as getting feedback, as well as getting help and assistance.

A lot of the groups involved are focused on State Government, and they have unique issues and problems that in some ways are exactly the same. But by working together, we can both be more efficient. And so I would move forward, most importantly, in a very positive way and reach out to all users of the National Archives.

Chairman ROTH. Well, let me go back to the several challenges you mentioned.

You are admittedly not an archivist.

Governor CARLIN. That I think everyone can agree on.

Chairman ROTH. And at the same time, this is a period of great change in how you maintain records because of the technological revolution.

How can you contribute to updating with this lack of professional training as an archivist? How do you see your ability as a manager substituting for the professional expertise in libraries?

Governor CARLIN. Mr. Chairman, what we are talking about here is not so much management as it is providing leadership for the changes that need to be made. And I certainly have a proven record of providing leadership for change.

I would respectfully suggest, regardless of who might be sitting here today, regardless of background, that the individual would want to reach out for input. And as I said in my opening statement, I will tap talent. I will reach out. There is a lot of talent within the agency, but we will not be limited under my leadership, if I am confirmed, with just the talent within the agency.

It is an incredibly essential issue that needs to be addressed far more fully than it has to this point, although I would point out, the Archives have made some progress. A lot needs to be done. I want to see the Archives play a leadership role on the issue of electronic records, and I think I have the skills to provide the leadership and to work with specific talented technical people to resolve and move forward on this issue that I think we would all agree is very important for Government, its future, for the people, and for the mission of the National Archives.

Chairman ROTH. Will you draw upon the background, the expertise, of those organizations or groups that do not support you?

Governor CARLIN. Oh, absolutely. I mean, I will not in any way limit the input. I would imagine the input, depending on the issue, will vary in terms of enthusiasm to participate. It may not. But I will reach out and want the input.

We want to do what is best for the country, what is best for the people, what is best for accomplishing the mission of the Archives. And by being inclusive, one has a better chance of doing it right.

Chairman ROTH. Now as you know, one of the concerns, of course, has been the independence of the Archivist. You are a close friend, a close associate, of the President.

How will you avoid this friendship from interfering with objective decision-making, particularly in the papers of the White House?

Governor CARLIN. OK. It is true, I have been nominated for this position by President Clinton. But if I am confirmed by the U.S. Senate, I will be—not in title only, but in a total way—the Archivist of the United States—not the President's Archivist, not Bill Clinton's Archivist, but the Archivist of the United States. And it will be my role and my commitment to carry out the mission as totally independent. That is why, in my opening statement, I made it clear that if confirmed, I will remove myself from politics.

I would further add that my view of the future for John Carlin is at the National Archives. I have no intention of using this or being a part of any arrangement for future activity or employment. I will not hesitate to do what is right, and what is right in the end will be best for everyone, regardless of who is asking for a favor.

Chairman ROTH. Do the papers belong to the people?

Governor CARLIN. The papers that are Governmental and Presidential belong to the people. Private papers belong to the President, to you gentlemen as well.

And I would only add on the private side, it would be my objective—and this would be true not just of the President, but of other key Cabinet members, and distinguished members of this Committee—and I will be aggressive in going after, in an appropriate and legal way, personal papers, because they do add to the total record.

But by law, the Archivist does not have control. The Archivist has some opportunity to provide leadership to make sure the line is drawn correctly between what is personal and what is Presidential, between what is personal and what is Governmental, and I will be aggressive in enforcing the law, so that we reach as close as we can to perfection of storing the total permanent record from the Archives.

Chairman ROTH. Senator Glenn?

Senator GLENN. Thank you, Mr. Chairman.

There is an area of real difficulty here. You are going to be plowing a lot of new ground over there, I think. I do not think we have yet come to grips with how we are going to maintain electronic records. And it is a real tough one. We got into it a little bit in the authorization of the Paperwork Reduction Act of all things, but it is not all paperwork; it is information resources management, which gets over into computer records. And we ran into trouble with this when Mr. Wilson tried to make his agreement with President Bush over those records.

I do not know if you have any thoughts that you are willing to commit to or tell us what your direction of thinking is with regard to electronic records, or whether you had to deal with that when you were Governor.

And there is no school solution here. I am really looking for your thoughts on this, because it is something that all of us have been grappling with. We have no magic answer to it here, and it is becoming more and more and more of a problem every day in how we preserve the integrity of records and how we store them. They are voluminous.

Do you have any thoughts in the electronic area?

Governor CARLIN. A couple of things, and please feel free to follow up for more specific questions that you may want to ask.

I have been out of office 8 years. It in some ways does not seem that long. But in terms of electronic records, it is a lot of change. We had word processors. But we did not have E-mail, the Internet, et cetera.

I do not think there is any question that we have got some real challenges, challenges in determining how to best carry out the law.

I can suggest to you this for sure: From my perspective, whether the record is personal, Presidential, or Governmental is based on the law, not on the medium in which it is recorded, and that whatever we have established as being appropriate for a written document can apply in terms of policy to an electronic document.

I feel very comfortable saying that. Now how that is carried out in terms of storage, I certainly do not know.

One specific issue, though, that I would share with you today which will be of great concern to me is that as we try to further develop—because in fairness again to the National Archives, it is not like if I am confirmed, we will start from scratch; there is a lot of work that has been done. It is just that we are talking about a monumental challenge, a major problem.

Access is also going to be an issue, gentlemen. It is not just a matter of whatever the particular medium is—a disc, a floppy, whatever, digitized whatever—it is not just a matter of preserving that in a way we could agree that it could be declared permanent, whatever the choice might be, but at some point in the future that those documents will also be accessible, because at that time, unless you have the equipment to go back and pull up and use what at that point in time 50 years from now might be considered 1995 technology, as the Stone Age, we will have records, but with little value.

So accessibility needs to be on the agenda. There is a lot of technical work here. But I would say in summary that the same rules

apply. And two, let us not forget about accessibility over the long term.

Senator GLENN. I know that some of the archival groups and historical groups have done a lot in looking into this area. I know you will be consulting them on some of these issues.

But we would like a time, of course, when schools in Kansas or Ohio or California can tap into something at the Archives or write a code, and here they have it in the schoolroom and so on.

And I think that is an enormous job and one that is just—we have not even gotten our toe in the door yet on doing some of these things. And I think that is going to be one of your big jobs of the future.

Back to the arrangements made on Presidential papers. You have had some experience with Governor's papers and so on. I would not imply that that quite compares with Presidential papers. But how did you decide what belonged to the people of Kansas and what were your own personal papers? Was there any rule you followed in that, or was it obvious just reading the things, or what?

Governor CARLIN. Unfortunately the law has allowed previous Governors to destroy records. We have made some progress in that regard. The law is not clear.

What I did was to share everything with the Kansas Historical Society, and they made the decisions as to what should be a permanent record.

Senator GLENN. OK. I referred in my opening remarks to the arrangement that was being made by Mr. Wilson and President Bush.

Did you disagree with that arrangement?

Governor CARLIN. In the context of discussing it, with hindsight certainly I disagree based on what I know, and I think there is a consensus on that now.

I think it is certainly clear in the current Administration that electronic records can be Governmental, Presidential, or personal, just as is the case with paper. And it is my understanding that the current Administration on specifically the electronic area is literally down to E-mail messages, coding them one by one as to whether they are personal, Presidential, or Governmental.

Senator GLENN. OK. And I think—correct me if I am wrong—but I think this Administration has appealed that court decision; is that correct, on the—

Governor CARLIN. In a technical sense, yes. I have been advised—I have been advised by counsel within the Archives that the appeal is based not on the principle which we would discuss here today, but on some technical provisions, the specifics of which I have not been advised of, but that the appeal is not to disagree with the court on the fundamental issue that electronic records can and are Presidential, if the material falls under that category.

Senator GLENN. Well, I understand every President's desire in this. But I think there is a bigger issue of what is in the national interest. I was a little surprised, I guess, when they appealed that some time ago. But that will have to come out. We will have to discuss that at some later time.

Governor CARLIN. Yes. And, Senator Glenn, I assure you I will confirm that what I have been told is, in fact, the case. I was also told that they thought settlement would come very quickly.

Senator GLENN. Yes. Have you decided what direction you want to go with regard to Presidential Libraries? That area has grown and grown and grown until we almost have the tail wagging the dog these days, sometimes, the Presidential Library tail wagging the Archives dog, if you want to put it in those terms.

Have you decided on any balance there or any thoughts as to how much we should run Presidential Libraries, what autonomy they should have, how much they should be controlled by Archives—any thoughts along those lines?

Governor CARLIN. First of all, Senator, I would commend you and your colleagues who were supportive of the change in the law that required an endowment provision for maintenance of the facility.

Based on what I have been told, this decision by the Federal Government will do more than anything else to answer your concern.

As you are well aware, prior to President Bush, there was no direction for endowment to be required. Consequently, although the initial construction was from private funds, the ongoing responsibility lay with the Federal Government for all practical purposes. That is no longer the case. And for President Bush on forward, the endowment, I think, will make a major contribution.

It is my understanding that the 20 percent was not a result of an extensive, exhaustive study, and I would suggest to you that one of the things that I am interested in is getting a sense of, is it an appropriate number? Is it high enough? Is it what we want to accomplish the objective? Because I think for everyone's interest, that aspect of the Presidential Library, the maintenance of it for the future, needs to be dealt with up front, and you gentlemen and your colleagues are commended for your leadership in this area.

Senator GLENN. This Committee was so concerned with things at Archives, we did a special committee investigation in 1992. We spent a lot of time on that, and I am sure you have read through the report.

Governor CARLIN. Yes, I have.

Senator GLENN. And some of the problems that we detailed over at Archives, they were just management goofs. There is not any other way you can put them. They just showed inattention to management details that we found rather appalling. In fact, beyond appalling in that one time we were over there and our people doing the investigating saw some records and later on, they wanted to come back and refer to them again; they just happened not to be able to be found the second time around—some things like that. So this was some pretty bad stuff at that time.

My time is up right now, but I would commend that to your reading and take it to heart, because this Committee does have jurisdiction over Archives, and we are going to be continuing to look at the operation over there and make sure that it gets properly managed. The American people deserve no less.

So I am glad to be backing you for this position here. I think you bring a management expertise that can do a great job over there at Archives. I am sure you are going to be bright enough and want

to do the right kind of job that you will call on the people, some of whom are your critics today, to give you counsel and advice.

I guess my view of it is when these troubles came to the surface in our investigation we had a historian over there. Now maybe he would not have been the pick of some of the people here, either. But I think we need a real good go at tough management over there, and I think you are the one that can do it.

Governor CARLIN. Thank you.

I might add, Senator and Mr. Chairman, that I have studied this report. I would remind the Committee that it focused on managerial problems. As I read it, I saw no concern about the lack of archival expertise at the Archives, but how the records were handled and the overall management was a real focus and concern. And I have read and I will take those words seriously, if I am confirmed to be Archivist of the United States.

Senator GLENN. Thank you, Mr. Chairman.

Chairman ROTH. Senator Levin.

Senator LEVIN. Thank you, Mr. Chairman.

Let me add my welcome and congratulations to our nominee.

In 1984, we sought to make the Archives independent, to isolate the Archives from political pressure. We recognized the public interest in maintaining a complete and an accurate historical record that would be too easily compromised if the Archives were under the control of somebody who was appointed for political purposes. So we made some changes to try to ensure the independence of the Archivist.

There is some language in the statute which makes reference to political affiliations. It does not say that you cannot have any; it just says you cannot be appointed with regard to them. Those are two different points. It's perhaps hard to see the difference at first blush, but the difference is important. We do not require that a nominee for Archivist have no political affiliations. That would exclude people who are perfectly qualified to be the Archivists.

What we do require, however, is that an Archivist be chosen without regard to those political affiliations, and there was a question that had been raised about a previous nominee into the appointment process as to whether or not political considerations were a dominant factor in the selection of that nominee.

We also require that a person have professional qualifications. We do not specify in the statute what those professional qualifications are, but we say that somebody must have high-level professional qualifications.

You have many qualifications, many of them being professional qualifications in terms of your background as a Governor who has had to manage a State, who was elected for two terms to do that, who handled a large staff, a complex budget, and who made some tough decisions and earned the respect of archivists and historians in Kansas for your efforts to make your gubernatorial records available. So you have gotten a certain kind of management experience which I think is absolutely essential at the Archives, although you do not have certain technical experience which others might bring to the job.

The key question for me is your independence and whether or not you are going to be able to tell a President, be it President

Clinton or another President, that you disagree with that President, and you are going to act in the national interest despite the fact that that President was a close ally of yours, or in the case of Senator Dole, who is the Majority Leader and who is running for President, that he was a supporter of yours at a very critical time in your nomination process.

You are in the situation where you have been nominated by a close friend of yours, President Clinton, but you have the support of the Majority Leader, who is also running for President. Both of them, I would think, would consider that they might have claims to your loyalty in some respect at a critical moment in history, if and when the time comes that there is a disagreement between you as the Archivist and they as President, assuming it is either President Clinton or a President Dole or any other President.

So the key issue for me is whether you are going to be able to look that President in the eye and say: Sorry, I disagree with you. I am the Archivist. I know you supported my nomination or submitted my nomination or whatever the case may be. But, Mr. President, my obligation is to abide by the law as I see it, and I tell you, I disagree with you on this one. Your E-mail belongs to the people, or your something else belongs to the people.

Can you do it?

Governor CARLIN. Absolutely yes. I feel very comfortable saying that. In all honesty, I would have to share with you that I probably would not be here today if the two gentlemen you make reference to opposed me. I think that is a fair statement as well.

As I said in my statement, the idea that John Carlin would be the next Archivist of the United States was developed by archivists and historians across the country. It was not my idea or the President's or Senator Dole's.

I said when I was first contacted that after giving several days of consideration that I would allow them to proceed, to share my name with White House personnel. I told them I would do nothing on my own. I would not write; I would not call; I would not ask for the President's support. And I went so far as to make sure that I did not ask any political person to do anything to get the name considered or for my nomination to take place.

I recognized from Day One when this discussion began that if I was to be successful, I had to be independent, that I had to get this job on the merits of my case, not on any political activity or experience or pressure.

So I come to you today, Senator, very comfortable and would only add that, for whatever value it might be, I was not unemployed. I did not seek this job. I have many other alternative choices in the private sector exclusively to this job and will at no time feel obligated in any way to agree with someone who might have something to say about my tenure.

I feel comfortable being independent. It is the only way I am going to take the job. I have made it clear to the White House, and I hope I have made it clear to you today.

Senator LEVIN. Now when you were in my office, I asked you some questions about tough decisions that you made as Governor. One of the advantages of having former Governors around here is that they are used to making tough decisions, doing some things

which are sometimes very unpopular in order to accomplish whatever the goal is that they see that is important to their state, and you gave me a number of instances where that was true.

And I think it is a realistic possibility that any President and any Archivist—I do not care who the President is, and I do not care who the Archivist is—are going to have a difference over records.

And the critical issue is whether you are going to be able to say no, if and when that moment comes. I will probably say "when that moment comes", because again whoever the President is, is going to have a different perspective than the Archivist in terms of personal records, as to whether they are personal or Presidential records. It is the nature of the process, here, that there is going to be a different perspective.

Now there have been a number of cases which have been argued recently. One had to do with that agreement between President Bush and the Archivist, Don Wilson. There was language in that agreement which said that the President, President Bush at that time, shall retain exclusive legal control of all Presidential information and all derivative information in whatever form contained in the materials, an incredibly broad statement to me.

Are you familiar with that, the agreement that was reached between the Archivist and the President?

Governor CARLIN. Yes, I am. I have not seen the actual document, but I certainly have read about—

Senator LEVIN. But that language, are you familiar with—

Governor CARLIN. Pardon?

Senator LEVIN. You are familiar with that language?

Governor CARLIN. Oh, yes.

Senator LEVIN. Now as far as you are concerned, did Judge Ritchie decide that case correctly?

Governor CARLIN. Yes.

Senator LEVIN. And by the way, I might say in that case we had an Archivist who, by more technical professional qualifications, met the qualifications test even in a very technical sense, but who entered into an agreement which did not meet the test of complying with the statute, because the court in that case found that the agreement that that Archivist entered into was "arbitrary, capricious, an abuse of discretion, and contrary to law". Those are pretty strong words.

So just like "political affiliations" is not a disqualifier, providing that is not the reason you were appointed, more technical "professional qualifications", such as knowing how to restore materials or having dealt with historical materials in a professional way, are no guarantee that we are going to have an Archivist who will stand up to a President, since we have had an example, at least according to Judge Ritchie—and I am not any more familiar with it than you are, other than what I read in that opinion—according to Judge Ritchie, the agreement entered into between that Archivist, who had the technical qualifications, and the President did not comport with the statute. So I think both things are true.

Now there is another litigated issue, and that is the one about the E-mail, which I know Senator Glenn has gone into and I think Senator Roth may have as well.

But the regulations on E-mail and how that should be treated were supposed to have been issued as final sometime in September of 1994.

Do you see the issuance of this regulation on how to treat E-mail as a priority, should you be confirmed?

Governor CARLIN. Absolutely. I mean, we are talking about records being made every day in an exhaustive volume, that every day delayed without clear guidance to agencies as well as to the President and his team, we are losing valuable documents for ultimately having the permanent history we want.

Senator LEVIN. I see my time is up. May I ask one additional question, Mr. Chairman?

Chairman ROTH. Please.

Senator LEVIN. It relates to that same subject, so I will just wind up this line of questioning.

Do you agree with the court in that case as to how E-mail should be treated, that the hard copy of the E-mail is not adequate because of information which is not on the hard copy which is in the E-mail? Did you agree with that court decision?

Governor CARLIN. Yes. And I think what we are talking about here are the little bits that you only get if you see the original or actually can have the electronic medium for your storage and use.

Senator LEVIN. The little bits including such information as who sent the message?

Governor CARLIN. Who it went to, who it came back to——

Senator LEVIN. Little minor stuff like that.

Governor CARLIN. Just minor stuff. You know, the good thing about electronic records is that you know to the minute in most cases when that exchange took place.

Senator LEVIN. Thank you. Thank you, Mr. Chairman.

Chairman ROTH. Thank you, Senator Levin.

During the Committee's review process, we, of course, received a number of letters on your nomination. We did get some letters concerned about the serious problem of deterioration that was occurring in the Archives. These came from concerned users.

One letter, for example, referred to the section on military history and documents from the Civil War era.¹ Are you aware of these types of problems, and if so, what plans would you undertake to stop this situation?

Governor CARLIN. Yes, Mr. Chairman, I am very much aware of the problem. It is one of the reasons I listed space in my earlier comments, both in terms of quantity and quality. The example you give, based on what I know at this point, is probably the best example of a facility storing incredibly valuable records and not being in good condition. And I intend to look into the St. Louis facility as quickly possible, if I am confirmed, because it certainly is right at the top of the list of facilities that need attention.

Chairman ROTH. Governor Carlin, is there anything in your background which might present a conflict of interest with the duties of the office to which you have been nominated?

Governor CARLIN. No.

¹This letter appears on page 80.

Chairman ROTH. And do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities as Archivist of the United States?

Governor CARLIN. No.

Chairman ROTH. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted Committee of Congress if you are confirmed?

Governor CARLIN. Absolutely yes.

Chairman ROTH. Senator Glenn?

Senator GLENN. Just one. Thank you, Mr. Chairman.

You mentioned in your opening statement that people came to you and asked you to seek this job; you did not seek it yourself.

Who were those people, and what was their background?

Governor CARLIN. I could not even give you a list of all of them, because the point person for me was Robert Richmond, who is a long-time friend, historian, and Past-President of State and Local History.

It was brought to my attention that these were archivists and historians in a variety of areas from the State Archives in some cases, in some cases employees of the Archives, in some cases people associated with various parts of the overall system of the National Archives.

Senator GLENN. Do any of the contacts that you had then involve people who currently work or have worked or are associated with the Archives here, with the National Archives, with NARA?

Governor CARLIN. Are you asking the question in the context of when I was called last December?

Senator GLENN. No. When these people were coming to you and asking you to consider running for this position or consider seeking the appointment to this position, were any of those people connected with the National Archives here?

Governor CARLIN. At that time, yes, and—no. The answer would be no at that point.

Senator GLENN. But later on, then, did the National people from the Archives here come and—

Governor CARLIN. Since that December day, I have talked to a long, long list of people. Some I have sought out; some just have called; some have written, both within today's staff as well as these who have been there before as well as users—primarily users, but it would include all areas, and the list would be very, very long.

I would add this, that as the process proceeded, the input came from within the National Archives for their briefing. I early on felt it inappropriate to be contacting them directly. I accepted—

Senator GLENN. I understand that, but I was—

Governor CARLIN. I accepted information, but I did not contact them.

Senator GLENN. What I was getting at was the other direction, not you contacting them but them contacting you to get you to consider applying for or trying to get this position and whether there were people involved at the National Archives here who were contacting you, suggesting you try to get that position.

Governor CARLIN. Early on, I do not think there was anybody in the whole complex, you know, in terms of the Washington area that made any contact with me until later in the process.

Senator GLENN. OK. So you had already been considering this, then, from the recommendation of other people, not from people here in the Archives in Washington.

Governor CARLIN. That is correct. But in terms of the initial conversation, they did not fax me a list; they raised the issue. And in terms of my initial decision of indicating interest, it was based on the suggestion being brought to me and giving some consideration and believing, with the initial information, that my experience fit the task, I allowed them to proceed.

Senator GLENN. OK. Thank you, Mr. Chairman.

Chairman ROTH. Senator Levin?

Senator LEVIN. Well, just to clarify that question a little, your answer is not clear. I think it is a simple question.

Was the original suggestion that you get interested in this job from people who were inside the Archives, the National Archives, or was it from some other people, the initial suggestion to you?

Governor CARLIN. The initial suggestion was from others. As I said—

Senator LEVIN. Later on, you had contact with people—

Governor CARLIN. Oh, yes, a long list.

Senator LEVIN. But the original suggestion did not come from inside the Archives.

Governor CARLIN. Well, as I said, Dr. Richmond was the main contact. He did not say: Here is my list of people I have talked to. I cannot say they did not talk to him. I am just saying no.

Senator LEVIN. The suggestion to you did not come from people inside the Archives. I do not know who suggested to Dr. Richmond; I do not even know who Dr. Richmond is. No offense, Dr. Richmond, if you are out there.

Governor CARLIN. I do not think he is here. [Laughter.]

Senator LEVIN. OK. It was a simple question, that the person or persons who originally personally suggested to you that you take an interest were not people connected with the National Archives; the ones who contacted you or originally suggested to you were not people working for the Archives at that time.

Governor CARLIN. OK. Senator Glenn—and this is a technicality only, but just for the record, so that, Senator, we are not having any confusion here—you asked the question in the context of the Archives here.

Now the Archives is a large agency with institutions all across the country. One of the individuals that contacted me initially works at the Regional Office in Kansas City. Now if that is what you are getting at—

Senator LEVIN. The Regional Office of the National Archives?

Governor CARLIN. That is correct. But you were talking about here in Washington, and I responded to the question specifically asked.

Senator LEVIN. I would be happy now to yield back if, for any reason, Senator Glenn wants to pursue that now that it is clarified. Apparently one of the original folks who did urge him to get inter-

ested was with a Regional Office of the National Archives in Kansas City.

Governor CARLIN. And I might also add, a former student of Dr. Richmond's.

Senator LEVIN. OK, OK. We are going to have to meet this Dr. Richmond, I will tell you. Now I am getting interested in this.

I just have two additional questions. One has to do with the Nixon tapes case. It has been going on for 20 years; it is still unresolved. Apparently only about 2 percent of the tapes, I guess, have been made public.

The Nixon estate has not been compensated for the tapes, which apparently the court is requiring to be done in order to use the tapes publicly.

Two questions: Do you know where the tapes are physically, and secondly, what steps should be taken to make those tapes public?

Governor CARLIN. The Archives have the material, the tapes.

Senator LEVIN. And what steps should be taken, if any, to make those tapes public and finally resolve this matter?

Governor CARLIN. First, the legal disputes need to be brought to a conclusion, and secondly the Archives needs to proceed with all efficient pace to prepare them, so that they can be accessible to the people.

We have—as I understand it and if I am confirmed, we will address a very specific problem within the tapes, that being separating personal from Presidential. And as you are well aware, we are talking about a specific law applying to President Nixon because he was President—prior to the specific legislation for later Presidents, the problem being in terms of the technology at the time and the quality of the tape.

I have been advised that if the tape is cut up in such a way as to separate, the professionals are very concerned that the remaining—very clearly Governmental, Presidential, permanent records that we should have—could be damaged.

Senator LEVIN. Would you make this a high priority, to resolve this issue?

Governor CARLIN. Absolutely.

Senator LEVIN. One last question: The Presidential Records Act gives the President nearly, I guess, exclusive control over the treatment of records during his term of office. It is only when he leaves office that we have had some uncertainty about it. But while he is in office, he has exclusive control.

Other Federal records are subject to strict documents management which are supervised by the Archivist, but not the President's records while he is in office. Nobody can initiate any action through the Attorney General or otherwise, I guess, to ensure preservation of Presidential records while he is in office.

Is this system too permissive? Should there be some way in which the Archivist can weigh in with a sitting President in terms of at least suggesting, recommending a regime for the preservation of that President's records while he is in office?

Governor CARLIN. I interpret the language to allow the Archivist of the United States to provide guidance and to be significantly involved, not in making the decision, but to certainly work with the

Administration so that the law is carried out for everyone's interest.

Senator LEVIN. Should you be able to do more than recommend? Let me go beyond that. Should you have a right of action?

Governor CARLIN. Under current law, I do not.

Senator LEVIN. Should you have stronger capability?

Governor CARLIN. I think it is a matter that is worth discussing. I would suggest to you that in an area like this—and I think it would apply to any branch of Government—that if you step across the line and go too far, you can actually discourage public officials from recording history.

And so I would be open to and would be happy to work with this Committee, if I am confirmed. I can assure you, I will be aggressive in providing guidance, and I will not hesitate, although I would have no authority to take official action, to do something, maybe even communicate with this Committee, if I felt like there were serious problems. I would not wait until the end of a Presidency.

Senator LEVIN. Thank you. Thank you, Mr. Chairman.

Chairman ROTH. Regrettably we are going to have to recess.

I think we are finished, for the moment, with you, Governor Carlin, but I would appreciate obviously your staying here.

There are four votes, so we are going to recess until 4:30 at which time we will reconvene.

Governor CARLIN. I certainly will remain and would be very happy to answer any additional questions.

Chairman ROTH. The Committee is in recess until 4:30.

[Recess.]

Chairman ROTH. The Committee will please be in order. I apologize for the long delay and appreciate your patience.

I must say it is nice to see that our State of Delaware is so well represented.

Each of your written statements will be included in their entirety in the record, and I would ask that you summarize and limit your oral testimony to five minutes.

Professor Smith, I want to welcome you, and you are here on behalf of the Organization of American Historians and the American Historical Association.

**TESTIMONY OF GADDIS SMITH, PROFESSOR OF HISTORY,
YALE UNIVERSITY, REPRESENTING THE ORGANIZATION OF
AMERICAN HISTORIANS AND THE AMERICAN HISTORICAL
ASSOCIATION**

Mr. SMITH. That is correct, Mr. Chairman, and thank you for the opportunity to appear before this Committee.

If you would let me summarize my written statement, the issue of whether Governor Carlin should be confirmed as Archivist of the United States does not involve any reflections on his notable accomplishments and political leadership and in business or on his character or personal integrity. I want to be absolutely clear on that point.

The issue, as previous testimony this afternoon has indicated, is the nature and place of professional qualifications in preserving and strengthening the integrity and capacity of the National Archives.

And let me introduce an analogy involving another position in the U.S. Government requiring high professional qualifications, the Chairman of the Joint Chiefs of Staff. Many Chairmen of the Joint Chiefs of Staff have degrees from the military academies over the years, but many do not. It is not a question of degree, formal earned academic degree, a Ph.D. in this case, but a broad professional qualification and experience, so that the leader can judge the quality of the advice that he or she receives and judge the quality of the people that he or she will appoint for other responsible positions in the organization; in this case, of course, the Archives.

Governor Carlin and, I think, all of us in this room are in agreement that public trust in the integrity of the archival record is essential. I would suggest it is just as essential as public trust in the integrity of the judicial process.

And if we look at the history of nations around the world, we find an almost perfect correlation between a thriving democracy and access of the people to an unbiased, truthful historical record. And where democracy has been weak or non-existent, we find regimes obstructing honest access to the record.

Now we have been very fortunate in this nation in the basic integrity of our historical record. But as has already been brought out this afternoon, in recent decades there have been episodes threatening that honest access, and those episodes illustrate the great wisdom of the words of Thomas Jefferson, which are inscribed on the portico of the Archives Building itself: "Eternal vigilance is the price of liberty."

Now to the immense good fortune of our Nation, Congress recognized these threats and met them with well-considered and appropriate legislation—the Presidential Records Act in 1978 and, of course, the National Archives and Records Administration Act of 1985. And you, Mr. Chairman, played a key role in developing that Act and explaining that legislation to the Senate in 1984.

And in the legislative history of that Act, I think we have some explanation of what is meant by professional qualifications. The 1984 report of your Committee, of this Committee, on that legislation stated the case with admirable clarity:

"Professionalism is absolutely essential to proper performance of archival and records management functions. It is the sine qua non of the archivists' work. Our ability to preserve and make available a full and rich documentary record depends on archivists determining what records are of lasting value and which are not, as well as determining which records are timely for opening to the public and which are not. And if these distinctions are made arbitrarily or are motivated by political rather than professional considerations, the historical record could be impoverished and even distorted."

Well, how was that professionalism to be sustained? General skill in management, personal integrity, admirable intent on the part of the archivists are obviously absolutely essential, but they are insufficient, because they must be combined with the kinds of professional qualifications which I believe the record shows this Committee and those who passed the legislation in the 1980's had in mind. I think the law, in my lay point of view, is fairly clear on this issue. But obviously we have a disagreement on this.

And let me just say that these hearings and their outcome will be a part of our nation's history. And, well, what will that history record?

Perhaps that the Senate was faithful to the law. The nomination failed. The law was respected; the system worked. And I would hope that then the next chapter to be chronicled would be that another nomination was put forward of an individual who did meet the intent of the law and that that person was confirmed.

Or the record might say that the wisdom of 1984, vindicated by subsequent events, was nevertheless denied in the interests of political convenience.

There is another hypothetical outcome, not one that I would wish; namely, amendment of the legislation to fit those who do not have professional qualifications, and the operative sentence could then read: The Archivist shall be appointed without regard to professional qualifications, but with regard to political convenience.

That hypothetical outcome would at least have the virtue of confronting the fundamental issues directly. It would send an unfortunate signal, and I am being somewhat facetious, of course. I do not expect that to happen.

Now obviously I personally and the organizations that I represent urge you to maintain conformity of law and practice by recommending against Governor Carlin's confirmation.

A final point. It is sometimes said—it has been in the press and elsewhere recently—that the historical associations that I represent and the Society of American Archivists have taken a rather negative posture over the past few months.

In fact, those organizations have been asked over the past 2 years by the Office of Personnel in the White House to suggest possible candidates for the position of Archivist. The three organizations have agreed that 7 individuals who have been interviewed by the Office of Personnel meet the qualifications stated in the legislation and that two do not, including Governor Carlin.

There were two cases in which the historical and the archival organizations disagreed about whether an individual had appropriate qualifications. And we, the historical organizations, would support any of the original 7 individuals, should Governor Carlin's nomination fail and one of the original 7 be nominated.

And we would also welcome the opportunity to express our views on other candidates. There are many distinguished men and women in this nation with the experience necessary to fulfill the increasingly complex consequential responsibilities of leadership of the Archives. And our country needs such a person in that position.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF GADDIS SMITH

Thank you, Mr. Chairman, for the opportunity to appear before this committee. I am Gaddis Smith, Professor of History at Yale University and director of the Yale Center for International and Area Studies. I appear on behalf of the American Historical Association and the Organization of American Historians, the two oldest and largest associations of professional historians in the United States. I have been a member of both organizations throughout my professional career of nearly forty years.

Two profound and closely related questions are involved in the issue of whether Mr. John W. Carlin should be confirmed as Archivist of the United States. Neither

involves Mr. Carlin's notable accomplishments in agriculture, political leadership in his state, and business.

The first question is how best to preserve and strengthen the integrity and capacity of the National Archives and Records Administration. The Archives, as the repository of accurate and accessible records, are essential to the ongoing conduct of our government. They are also essential in defining our nation's character through the trustworthy preservation of historical records, records saved in order to make possible a full, timely, and unprejudiced understanding of our past. As William Faulkner once said, "the past is never dead, it is not even past." He meant that we cannot draw a line between knowing the past and knowing the present. Our sense of ourselves and our nation depends on our historical memory and on the confidence that we can shape that memory honestly, openly, and without concern that the sources have been manipulated or destroyed by the special interests of particular individuals or groups. Public trust in the integrity of the archival record is essential, just as trust in the integrity of the judicial process is essential. If we review the history of nations we find an almost perfect correlation between democracy and the access of the people to an unbiased, truthful historical record. Where democracy has been weak or non-existent there one finds regimes obstructing honest access to the past, and at worst propagating lies as a method of totalitarian control. A true and healthy democracy must avoid even the perception of impropriety in the handling of historical records.

Americans understand this fundamental truth, and have reason to be proud of the basic integrity of our historical record. Americans also understand the need to protect and reinforce that integrity at all times. In recent decades there have been episodes in which honest access to an undistorted record has been threatened. To the immense good fortune of our nation, the U.S. Senate and the House of Representatives recognized those threats and met them with well-considered and appropriate legislation, especially the act to establish an independent National Archives and Records Administration. You, Mr. Chairman, presented the report on that legislation to the Senate in 1984. The key sentence in that law provides that "The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist." The 1984 report of this Committee stated the case with admirable clarity: "Professionalism is absolutely essential to proper performance of archival and records managements functions; it is the *sine qua non* of the Archivist's work.

Our ability to preserve and make available a full and rich documentary record depends on archivists determining what records are of lasting value and which are not, as well as determining which records are timely for opening to the public and which are not. If these decisions are made arbitrarily, or motivated by political rather than professional considerations, the historical record could be impoverished, even distorted." Your report and the parallel report of the House then listed several serious instances in the years before 1984 in which the integrity of the process had been threatened. There have been other threats since 1984 including the 1993 agreement between then Archivist Don Wilson and outgoing President George Bush concerning control to be exercised by Mr. Bush over White House records. In 1995 that agreement was declared null and void by the Federal District Court of the District of Columbia, because it violates the Presidential Records Act. The case is currently being appealed by the present Administration, which will no doubt seek the advice of the Archivist.

The second question before this Committee flows from the first. It is whether the confirmation of Mr. Carlin would be faithful to the letter and spirit of law. The legislative history of the National Archives and Administration Act, including the Committee reports and your own words, Mr. Chairman, and those of other legislators leaves no doubt that "professional qualifications" referred not to general experience in any field of endeavor, but to qualifications pertinent to the high, sensitive, complex and unique responsibilities of Archivist. The requirement that the appointment be made "without regard to political affiliation and solely on the basis of professional qualifications" reflects your wise understanding of the need to insulate the position of Archivist from partisanship. I have attached to my statement the section of the law stating the qualifications of Archivist, pertinent language from the 1984 Committee reports, and your and other statements from the *Congressional Record*. May I request that this material be appended to the record of this hearing?

The process leading up to the present nomination, this hearing, and the ultimate outcome of confirmation or denial of confirmation will soon be part of our nation's history. What will we be able to say? Perhaps we will say that the Senate was faithful to the law, even though the President was neglectful. The nomination failed, the law was respected, the system worked. And, I would hope, the next chapter to be

chronicled would be the nomination and confirmation of an individual who did meet the requirements of the law.

Or will we have to say that the wisdom of 1984, vindicated by subsequent events, was nevertheless denied in the interests of short-term political expediency? How sad and ironic that we may have to say such things about an appointment touching on the first and fundamental question of how to preserve the quality and integrity of the historical record of the Federal Government.

There is another hypothetical outcome, not one that I would wish—namely the amendment of the legislation to fit Mr. Carlin and others with similar qualifications. The operative sentence could then read: "The Archivist shall be appointed without regard to professional qualifications and solely on the basis of political affiliations." That hypothetical outcome would at least have the virtue of confronting the fundamental issues directly. Such an amendment would send a frightening signal concerning the future independence and integrity of the National Archives and of the nation's access to an impartial historical record, but it would bring the law and the confirmation of this nomination into conformity. Obviously I and the organizations I represent urge you to maintain the conformity of law and practice by rejecting Mr. Carlin's nomination.

The American Historical Association and the Organization of American Historians, together with the Society of American Archivists, have been asked over the past 2 years by the office of Presidential Personnel in the White House to suggest possible candidates for the position of Archivist. The three organizations have agreed that seven individuals who have been interviewed by Presidential Personnel meet the qualifications stated in the legislation and two, including Mr. Carlin, do not. In only two cases did the historical and archival organizations disagree about whether an individual had appropriate qualifications. We would support any of the original seven individuals should Mr. Carlin's nomination fail and one of them be nominated. We would also welcome the opportunity to express our views on other candidates. There are many distinguished men and women in this nation with the experience and judgment necessary to fulfill the increasingly complex and consequential responsibilities necessary for the leadership of the Archives. Our country deserves that such a person be named and confirmed.

I know that there are many other considerations in the appointment of an Archivist. Some are fundamental issues of personnel, administrative practice, and ordinary politics. Others are of considerable policy significance—including the revolution in electronic data collection; the balancing of the people's freedom of access to information with the necessity of keeping some records closed in the interests of national security, law enforcement, and individual privacy; and the sensitive borderline between records belonging to the nation and those belonging to individuals holding office. Other witnesses may touch on those facets, but in my remarks I have sought to be brief and to focus only on the central questions.

Thank you, Mr. Chairman.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

(44 U.S.C. Chapter 21)

Sec.
2101. Definitions.
2102. Establishment.
2103. Officers.

§ 2103. Officers

(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of Congress.

Conference Agreement

The Senate recedes.

The Archivist is to be appointed by the President by and with the advice and consent of the Senate. A term of office is not specified. Although the Archivist may be removed from office by the President, the conferees intend that he be an officer performing archival and records management functions insulated from the political orientation of a particular administration. Because of the non-political nature of the Archivists' duties, the office ought not to change hands automatically with the election of the new President.

The Archivist has responsibilities that range across the Federal Government. Insulation from political pressure is necessary to insure confidence and cooperation from all agencies. Public confidence in the Archivist's role will also be enhanced if the office is permitted to pursue objectively and independently the archival responsibilities necessary to insure preservation of the Nation's historically valuable records. Changes in the office of Archivist coincident with changes in administrations would undermine the independent and non-partisan role envisioned for the Archivist. The President can remove the Archivist, but if he does so, he must share his reasons for such action with the Congress.

Congressional
Record
October 1, 1984
Page H 1059

October 3, 1984

S 12814

CONGRESSIONAL RECORD — SENATE

Title II of the MPRSA assigns NOAA responsibility to develop and assess scientific techniques to define and quantify the degradation of the marine environment. Important ocean-related activities, such as the regional ocean pollution research project in Puget Sound, would be allowed to continue under this bill. The regional research effort conducted in Puget Sound and in other parts of the United States has provided useful scientific information to help guide local, State and Federal officials in the water quality regulatory process. Also, the research conducted by NOAA has been key in the identification, synthesizing, and disseminating marine pollution problems in Puget Sound.

NOPPA provides interagency planning to insure that research, development, and monitoring activities related to marine pollution are carried out efficiently and effectively.

Increasing pressures to minimize land disposal are leading to serious consideration of the oceans a primary disposal medium. This trend, combined with the limits of our scientific knowledge about the impacts of ocean waste-disposal, makes it mandatory that we sustain our commitment to ocean research.

In summary, we have looked at NOAA's atmospheric, climatic, and pollution activities in great detail, and we have attempted to balance the needs of the agency and the Nation against the fiscal constraints under which we are all attempting to operate. I believe we have struck an appropriate balance in this conference report.

I would urge my colleagues to look upon this conference report with favor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HOUSING AND COMMUNITY DEVELOPMENT TECHNICAL AMENDMENTS — CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on S. 2819 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments made to the bill (S. 2819) to make essential technical corrections to the Housing and Urban-Rural Recovery Act of 1983, having met after full and free conference, have agreed to recommend and do recommend to their respective

Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the Record.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT — CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on S. 905 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill to the bill (S. 905) to establish the National Archives and Records Administration as an independent agency. The committee met after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of October 1, 1984.)

Mr. ROTH. Mr. President, I am pleased that before the Senate is the conference report on S. 905, the National Archives and Records Administration Act of 1984. The Senate passed its version of this bill on June 21 of this year and the House approved a similar bill on August 2. The Conference Committee met on October 1 to consider the difference between the two versions of S. 905 and approved the report which I am presenting to the Senate.

Mr. President, the provisions of the conference agreement provide for the establishment of an independent National Archives and Records Administration in the executive branch. This is not a new agency but rather is a result of the separation of the existing National Archives and Records Service from its location within the General Services Administration to a new status as an independent agency.

The conferees did everything they could to assure that the status quo with respect to archival policies in the executive branch is left unchanged by the simple creation of this independent agency. The bill maintains current law with respect to records manage-

ment, storage and disposal. It transfers to the Archivist exactly the same rulemaking authority over archival matters which is currently vested in the Administrator of the General Services Administration. Several sections of existing law provide for Federal agencies to report to, or consult with, the Administrator of General Services with respect to records management, disposal and preservation. The conference report maintains the status quo in this area and does not alter the provisions of current law. The existing division of responsibility between the Office of Information and Resources Management in GSA and the National Archives is also maintained by the conference agreement.

The National Archives and Records Administration will be headed by an Archivist who would be nominated by the President and confirmed by the Senate. The conference agreement recognizes the need for the Archivist to be a dedicated professional in the field of archival matters, the treatment of historical records and in records management procedures.

Overall, Mr. President, the conference agreement provides the necessary authorities for the newly independent National Archives while at the same time attempting to ensure that the balances which have been struck over the years on a number of archival issues remain unchanged by the passage of this bill.

Mr. President, I believe the conference agreement provides the Archivist with sufficient authority to assume his duties as head of a now independent agency.

I urge the adoption of the conference report.

Mr. MATHIAS. Mr. President, as one of the members of the conference on this bill, it gives me great pleasure to bring the conference agreement on S. 905 before this body. The reestablishment of an independent National Archives and Records Administration has been discussed, written about, debated, and legislatively proposed almost from the day in 1949 when the agency was subsumed into the Government's housekeeping agency, the General Services Administration.

The incongruity between the two agencies and their missions has always troubled me. On the one hand, the National Archives is charged with the storage, management and disposal of Federal records; with the transfer to its custody, preservation of, and making available for further Government and public use of our Nation's permanently valuable records. In addition, the Archivist is responsible for the operation of the Presidential library system and publication of the Federal Register. The Archivist also serves as chairman of the National Historical Publications and Records Commission, and the National Archives Trust Fund Board.

October 3, 1984

October 3, 1984

CONGRESSIONAL RECORD — SENATE

S 12815

The General Services Administration, on the other hand, is charged with the management and maintenance of public buildings, procurement and disposition of Federal property and assets; transportation; traffic; stockpiling of strategic materials; and management of the Government's data processing system.

This marriage of inconvenience between GSA and the National Archives has resulted in a lack of clear policy direction, confusion over lines of authority and responsibility, delayed decisionmaking, and diversion of resources from archival responsibilities. This diversion of attention from the Archives' principal mission is untenable in light of the growth in Government records and in agency and user group demands for such documents.

Between now and 1990, more than 520,000 cubic feet of Federal records will be eligible for transfer to the Archives for preservation. But, because of space and staff limitations, only 32 percent of these records will be acquired. Most of those records are paper records dating from the 1950's-70's requiring temperature and humidity control. They are in demand by researchers, historians, genealogists, and the creating agencies themselves.

The Senate sponsors of this legislation, of which there are 50, were guided by a concern to separate the National Archives and Records Service from GSA. We did not attempt to settle disagreements between and among agencies over their respective authorities. We maintained the status quo with respect to current law and case law. These principles guided the managers on the part of the Senate in conference with our House colleagues and are reflected in this conference bill.

Let me review for my colleagues the main provisions of S. 905. It provides for the appointment of the Archivist of the United States by the President and with the advice and consent of the Senate. The conferees intend that he or she be an officer performing professional archival and records management functions insulated from the political orientation and pressure of a particular administration.

The status quo as to the division of responsibility for certain records management functions between GSA and the National Archives is maintained. GSA's Office of Information Resources Management will continue its responsibilities for records management including office automation systems, filing systems, forms and reports formats, correspondence control, micrographics, and copying. The close relationship of these functions to those of the Archives, for documenting the Federal Government's policies and transactions mandate that the two cooperate. In accomplishing this transfer of archival responsibilities and division of records management authority from GSA to the Archives, the bill transfers associated personnel, assets,

liabilities, contracts, property, records, and funds from GSA to the new agency. In addition, it specifies that less than \$2.76 million and 15 full-time equivalent positions are to be transferred from GSA to the new agency. This reflects an agreement signed and formalized between GSA and the Archives transferring administrative support positions and associated funds.

In continuing congressional oversight of both GSA and the Archives, the bill requires an annual report to the Congress from each on their respective archival and records management activities.

Hiring of employees by the National Archives Trust Fund Board is made subject to the requirements and benefits of the civil service law. Currently, trust fund employees are employed without regard to the civil service laws and regulations. Beginning with this bill's effective date of April 1, 1985, new hiring and other changes in appointments must be made pursuant to civil service laws.

The bill requires the Archivist to publish notice in the Federal Register for public comment on the proposed disposal of records prior to authorizing their disposal. Such notice will enable other agencies of Government, Archives user groups, and the general public to advise the Archivist on the potential impacts of such disposal.

The security of records was of great concern to the conferees. There have been a number of incidents of removal or destruction of records by public officials in recent years. The anomaly of present law is that an agency head has a duty to initiate action to recover records which he himself may have removed. The conferees, therefore, have clarified the statute to authorize the Archivist to ask the Attorney General to initiate action to recover such documents, if the agency head does not do so within a reasonable time. The Archivist is to notify the Congress when he makes such a request.

The documentary records of the policies and transactions of the Federal Government which have permanent value must be protected. They serve as an important institutional memory for the Federal agencies themselves in developing and conducting on-going policies and programs. Furthermore, the citizens of the United States have an important right to know about the actions of their Government through its documentary history.

I emphasize that records, the use of which is restricted by law, reasons of national security, or the public interest, shall be inspected subject to the approval of the agency head concerned or of the President. In relation to his responsibility to determine what material constitutes a Federal record, the bill continues the current law requirement that the Archivist comply with all other Federal laws and be subject to their sanctions. Likewise, current law provisions with respect to

rulemaking authority for the Archivist are also restated.

Mr. President, this legislation has been a long time in the making. The concept of an independent National Archives made sense in 1934 when it was established by Congress. The 1949 reorganization of the Agency into the larger housekeeping arm of the Government, the GSA, has proven to be a mistake. We believe by reestablishing its independent agency status and elevating the position of Archivist to a Presidential appointment with Senate confirmation, we are setting the National Archives and our Government's documentary history on its proper course.

The job ahead will not be easy. It will challenge the professional talents of the dedicated men and women employed by the Archives. A paperless society or a less papered society, and new forms of electronic information confront us all.

Our Nation and its Government are relatively young. Since its founding in 1776, our democratic form of Government has been the model to which other nations and peoples have looked. Without the inspiration of the words of the Founding Fathers, we might not have evolved into the greatest democracy of the world.

We have a great deal still to learn from those extraordinary men. And we have a great deal to learn from the public officials who have followed them. That is what our National Archives is all about.

One of inscriptions on the National Archives building here in Washington reads: "What is past is prologue." We, as a people, can benefit enormously by reviewing what has gone before us. We must understand our roots if we are to grow and prosper in a global society.

In an interview at the time of the publication of the fourth and final volume of his biography of Thomas Jefferson, Dumas Malone was asked what he had learned over time as a historical fashion had come and gone. His answer was, "There is no substitute for staying close to the primary sources." Mr. Malone recognized that one cannot stay close to primary sources without a professional archival repository for the permanent, historically valuable records of our Nation's Government and its leaders. The records of our Government are a gold mine of details that historians, policymakers, scholars, genealogists, and Federal agencies need to document the everyday lives of individuals in the past, to understand the human effects of Government policies, and to collect quantifiable data.

Records on military service, armories, naturalizations, Courts, land surveys and taxes, Government employment, ship's passenger lists, American Indians and territorial government, Freedmen's Bureau, and census are the nine from which such noted authors as William Hickling Prescott,

S 12816

CONGRESSIONAL RECORD — SENATE

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Francis Parkman, Samuel Eliot Morison, and Henry Steele Commager produced their epic works.

I am reminded of a comment made at one of our hearings on this legislation by Dr. Charles Lee, Archivist of the State of South Carolina. Dr. Lee said:

A man is known by the company he keeps. And a nation is known by the records it keeps.

S. 905 will enable the United States to resume its proper place of pride and recognition among world nations for the historical record it preserves.

Mr. President, this legislation could not have come through the legislative process without the diligent efforts of my colleague, Senator EAGLETON, the sponsor of this bill.

The chairman of the Committee on Governmental Affairs, Senator RORR, and his staff also have been most cooperative and helpful in co convening the parties to resolve differences.

I am sure I speak for all of the co-sponsors of this legislation in thanking our colleague, Senator HARRIZEN, for serving as an intermediary between the White House and the Congress. The Statement of Managers explains, we believe we have produced legislation which addresses each of the concerns raised by various departments.

I thank our House colleagues led by Representative BROOKS, who, along with Representatives HORROW, KENNEDY, and ENGLISH, devoted extraordinary effort in crafting this bill and brought their expertise and years of experience with the National Archives to the table to produce the compromise now before us.

Mr. EAGLETON, Mr. President, this legislation recognizes an idea whose time has come: That the National Archives needs to be and deserves to be reestablished as an independent agency of Government.

Hearings during the past 4 years by the Senate Committee on Governmental Affairs and the House Committee on Governmental Operations have documented the problem: The current organizational placement of the National Archives and Records Service within the GSA has hindered both agencies' missions, delayed decision-making, and reduced archival services to the public and other Federal agencies.

NARS performance has perennially been plagued by management problems; a lack of clear policy directions, confusion over lines of authority and responsibility and delays in decision-making. Morale has declined, and good managers have been hard to keep, understandably, in a situation where ultimate authority resides with GSA, and not NARS.

Professional judgment is the essence of the Archivist's work: It is the best guarantee that the historical record preserved and made available to the public will be full and fair. Yet because final responsibility for archival

judgments rests with the GSA Administrator, not the Archivist, the dangers of politicization have been ever-present.

The NARS budget has traditionally suffered, in comparison to the other cultural agencies, because NARS has lacked an advocate for its programs and needs. GSA Administrators have understandably had other priorities; the OMB budget examiners reviewing GSA budget requests have been more sensitive to building construction, procurement, and motor vehicle pools than to document history. The resources of NARS' budget and personnel—have been held in tight check while the demands on the agency have expanded dramatically. The inevitable result has been marked deterioration of NARS' capacity to serve the public and the scholarly community.

The legislation before us reestablishes the Archives and Records Service as an independent agency and makes the position of Archivist of the United States a Presidential appointment, subject to the advice and consent of the Senate. The sponsors of this legislation believe this appointment procedure elevates the position of Archivist to its proper level of national prestige and ensures that professional qualifications rather than political credentials will be the basis for appointments. The conferees of the House and Senate want to provide as much insulation from partisan political pressures for this office as possible. The history of this office is replete with instances of threatened removals of the Archivist for purely political reasons. The professional public duties of the Archivist are to assist agencies in setting up their records systems and managing and storing them in determining what constitutes a Federal record, in approving the disposal of agency records, in transferring permanently valuable records to the Archives, in preserving them and making them available to Federal agencies, scholars, and other public and private users.

These duties cannot be performed objectively and professionally if the Archivist is constantly looking over his shoulder for approval of his actions by the person who appointed him. Senate confirmation of the appointment of Archivist will aid in ensuring that the position is a non-partisan professional one.

While this legislation is basically a reorganization and transfer of authorities now vested in the GSA Administrator to the Archivist, we expect a better level of cooperation to develop between agencies and the Archivist with respect to his duties. Bureaucratic turf battles of this type in the past with respect to Federal records appear to have been motivated out of a concern to circumscribe or foreclose the public's right to know about their Government's actions and politics. Such efforts to limit the public's right to know, have led to the enactment of

Government-in-the-sunshine and freedom of information laws. The Congress intends to continue its oversight of this new agency and will pay particular attention to the level of interagency cooperation with the Archivist.

The records of our Government are public property. They are valuable and must be preserved because they document our Government's policies, programs, and actions. They are as much a part of our Nation's institutional memory as are the Constitution and Declaration of Independence, now safeguarded and on public display in the National Archives Building.

As the sponsor of this legislation in the Senate during the past 4 years, I have watched support for this matter grow. S. 905 enjoys the bipartisan sponsorship of 50 of my colleagues. I am grateful for the efforts of my colleague and principal cosponsor, Senator MATHIAS, in his longstanding concern about the plight of the National Archives. I also owe a debt of gratitude to Senator HARRIZEN, who currently serves on the NHPRC, and who has been a stalwart ally in my efforts within the Appropriations Committee to ensure adequate funding for the Archives and NHPRC. I know we will continue to work closely together for both of these agencies.

Senator RORR, the chairman of our committee, has been most helpful to us in convening the affected parties to resolve differences with agencies and with our House colleagues. He has done an excellent job of shepherding this bill to the floor and through conference.

Mr. President, S. 905 is a small piece of legislation, but its enactment will have a major impact on our history by creating an agency that will do justice to our precious historical legacy.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INHERITANCE OF TRUST IN CERTAIN LANDS

The Senate proceeded to consider the bill (S. 2663) pertaining to the inheritance of trust or restricted land on the Lake Traverse Indian Reservation, North Dakota and South Dakota, and for other purposes, which had been reported from the Select Committee on Indian Affairs with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

present Archivist. However, it has become increasingly difficult to attract people of the requisite stature to come to Washington to accept a job where the difficulties have become insurmountable in recent years. It took an extensive search and considerable persuasion by those interested in the fate of NARS to bring the present Archivist, Dr. Warren, to the job in 1980. If the present situation continues, it will only make it more difficult to attract and retain competent professionals throughout the agency.

The same difficulties hurt morale and hamper the quality of management in other senior positions. Dr. Joan Hoff-Wilson, Executive Secretary for the Organization of American History, concluded her plea for NARS' independence by saying that "it would attract competent administrators to NARS because they would actually be able to exercise and enforce professional standards and authority without interference from GSA."¹

The Committee can attest to some of the frustrations which the current arrangement produce for NARS officials. Representatives of the Committee have sought to discuss problems with NARS officials only to find that they can attend meetings only if accompanied by representatives of GSA. Larry Hackman, testifying to our Committee about his experience on the NHPRC, stated that subordination to GSA "has regularly prevented the Archivist and his immediate staff from speaking frankly even to such official bodies as the National Archives Advisory Council and the NHPRC. NARS officials have been reticent in answering Committee staff telephone inquiries. This is a situation in which capable managers cannot possibly manage, and a situation in which even the most committed individuals would be harassed to stay."

B. POLITICIZATION

Professionalism is absolutely essential to proper performance of archival and records management functions; it is the *sine qua non* of the Archivist's work. Our ability to preserve and make available a full and rich documentary record depends on archivists determining what records are of lasting value and which are not, as well as determining which records are timely for opening to the public and which are not. If these decisions are made arbitrarily or motivated by political rather than professional considerations, the historical record could be impoverished, even distorted.

On the occasion of his retirement from Federal Service in 1965, Archivist Wayne C. Grover wrote to President Johnson making the case for an independent NARS. Prominent among his reasons was a fear of the consequences of possible politicization:

The Presidential Libraries . . . holdings are not only among our most precious, but our most sensitive. It would be disastrous for all Presidential Libraries if even one instance of misuse of these documents—in violation or restrictions placed on them by a President or his associates—were to occur as a result of political pressure from Congress or through the carelessness or irresponsibility of a newly appointed Administrator of General Services coming in after a bitter election contest and change of Administration.

Unfortunately, the record over the years shows that Dr. Grover's fears were not misplaced. NARS' subordination to GSA has opened the door for archival decisionmaking which is politicized, rather than professional. Without overstating the extent of the damage to date, the Committee is not complicit in the threat posed by the current arrangements. We strongly believe that an independent NARS, administered by a highly-qualified professional Archivist of the United States with a fixed term of office, is the best protection against such dangers.

Ever since the 1949 subsuming of NARS into GSA, the position of Archivist of the United States has been threatened periodically with replacement by political appointees.

Early in the Eisenhower Administration (1952), a controversial revisionist historian was being promoted for the job by an influential Senator. The professional community was quick to respond to this rumored replacement by direct appeals to the President.²

By May of 1953, the same Senator was again trying to prevail upon the GSA Administrator to replace the Archivist. The Administrator resisted and the political pressures were rebuffed.³

In more recent times, former campaign workers sought the endorsement of members of Congress and the White House in their quest for the position. In the Spring of 1981, a politically connected staff member of the Senate Sergeant-At-Arms Office sought letters of endorsement from members of Congress in his quest for the position. Again in January of 1983, another political appointee who had been forced to resign his "plum" appoinnate position elsewhere in the government, focused upon the Archivist's position.⁴

These periodic assaults on the professionalism and independence of the Office of Archivist were rebuffed mostly because of the public outcry from the scholarly research community which uses the facilities and services of NARS. But it should be obvious that the dangers of politicization go far beyond periodic concerns about possible attempts to replace the Archivist.

The most celebrated and disturbing incidents of politicization occurred during the Nixon administration. For example, in 1970, the White House legal staff, with the cooperation of GSA lawyers, issued a questionable deed of gift for the Vice Presidential papers of former President Nixon without consulting NARS. When the Washington Post undertook an investigation of the deed—which gave a tax deduction to Mr. Nixon of \$482,018 for less than 1,300 cubic feet of materials—direct intervention from the White House counsel and eventually a successful prosecution for fraud became necessary in order to make the full story known. NARS officials later admitted to direct pressure from GSA during the early stages to stall the *Post* investigation.

All the dangers of a politicized Archives, without the necessary independence, became evident when the Nixon-Simpson agreement came to light. Under the agreement, Mr. Nixon could have ordered the de-

¹ For full description of events see 70th National Archives: *American Ministry of Documents 1945-1961*; Donald R. McCoy, *Post*, Jan. 21, 1981, pp. A8, A9.

² The Washington Post, Jan. 31, 1981, pp. A8, A9. *Chronicle of Higher Education*, Feb. 1981, "Report Upset by Reports that Archivist May Be Replaced by Political Appointee; pp. 18, 19.

stitution of vital historical materials created during his White House years.

Although NARS drafted the original document regarding Nixon's proposed donation of materials, the final agreement was drawn up exclusively by White House staff and attorneys for Mr. Nixon. It contained many provisions which departed radically from the terms which recent Presidents had used in donating their papers. Nevertheless, GSA Administrator Sampson signed the agreement without consulting NARS on either its content or propriety.

Two months later, U.S. District Court Judge Charles R. Richey enjoined GSA from disposing of and disclosing any of the Presidential materials. This decision precipitated unusual action by the Administrator of GSA. First, the agency took control of the materials in question away from NARS. Office of Presidential Libraries, and then created a position accountable directly to the Administrator whose title was to be "Special Archivist of the United States."

Both efforts eventually—and fortunately—failed. Congress subsequently intervened by passing the Materials Preservation Act of 1974, taking custody of the Nixon tapes and papers and setting forth procedures to govern access to them while protecting Nixon's privacy rights.

Dr. Rhoads, who held the position of Archivist for 11 years, made these telling observations:

As long as NARS remains a part of GSA, it is going to be hampered in carrying out its important mission, subjected to at least occasional situations where an administrator seeks to or does impose his will, whether for partisan political or other reasons, over the non-partisan and professional judgement of the Archivist and his associates.

Within the past decade, there have been too many such occasions . . . Not all of these occurrences can be written off as mere aberrations that unfortunately happened once but are not likely to recur. I submit that given a little time, they or something like them, will happen again. It is inherent in the dynamics of the present relationship.

In addition to the incidents described above, Dr. Rhoads described a series of "well-considered plans . . . seriously advocated by an Administrator of General Services who had the authority and the will to implement them." These included:

- removal of regional operations of NARS from the Archivist to 11 regional administrators;
- removal of a large and important central office operation—the National Personnel Records Center in St. Louis—to regional control;
- a serious threat to remove the administration of the Presidential libraries from the control of the Archivist and to assign it to the GSA regional administrators;
- pressures to show partisan favoritism in filling civil service positions; and
- attempts to censor professional publications.

Dr. Rhoads also pointed out that "a damaging level of hostility has resulted at times when the Archivist resisted and objected to such occurrences."

In sum, the Committee believes that the record, under both Democratic and Republican administrations, amply demonstrates the dangers of politicization which can occur under the current arrangement. In our view, re-establishing independence for NARS and the Archivist would provide the best insurance that archival and records management decisions would be made on a professional basis unaffected by political considerations or other extraneous factors.

C. DMINISHING RESOURCES FOR AN INCREASING WORKLOAD

Virtually every witness before this Committee in 1981 and 1983 commented on the grave resources problems plaguing NARS. While the NARS budget was reduced 15 percent in F Y 1983, as part of the general effort to reduce domestic budgets, the problem have been long-standing. For years, the NARS budget increased far more slowly than the budgets of other cultural agencies. For example, from 1973-1983, the budget of the Smithsonian increased 94 percent; the budget of the Library of Congress, 177 percent; as opposed to the NARS budget increase of 69 percent.

Because of so many fixed costs in its budget, such as building rental charges to GSA, less than six percent (6%) of NARS budget in recent years has been allocated to actual document preservation. Less than one percent (1%) has been devoted to declassification of State Department Overseas Post files for the 1950-1954 period, and key portions of the Decimal file of the same period, records in demand by the scholarly research community. At the present rate of spending and staff allocation in this area, those records will not be available to the public until March of 1986.

Since 1976, fixed costs has commanded an increasing share of the NARS budget, rising from twenty-four percent (24%) in 1975 to thirty-four percent (34%) in 1983. Such fixed costs have taken their toll on the important mission of the agency—records preservation and availability for government and private use.

From 1976-1983, NARS permanent employment declined dramatically by 32.7 percent. Part of this decrease reflects the 1982 transfer of 132 NARS records managers to GSA and the 1982 reduction-in-force (RIF) resulting in a loss of 104 NARS permanent employees. During the same time period, requests to the agency, fueled by public interest in a search for family roots, actually increased by 80 percent.

There has not been a new group of archival trainees in the past 5 years. NARS lost most of the last class of trainees through reductions-in-force (RIFs). The crunch in personnel has resulted in NARS being forced to downgrade the whole concept of subject area specialists.

This in turn diminishes the professional expertise which qualified archivists can bring to their work. The eminent historian Barbara Tuchman illustrated the point based on her personal experience:

No less important than the documents is the personnel who

can find them for you in these miles of corridors and drawers

and files. John Taylor of the Military Records Division,

III. DIFFICULTIES IN THE GSA/NARS RELATIONSHIP

During the 35 years that the National Archives has been integrated within the structure of the General Services Administration, a number of groups and individuals concerned with the Federal government's archival activities have contended that this placement has impaired the Archives' effectiveness in handling, preserving, and disseminating Federal records. In his testimony before the Subcommittee on Legislation and National Security, Dr. James B. Rhoads, who served as Archivist of the United States from 1968 to 1979, characterized the defect in the structural relationship as "one of simple and stark incompatibility." Dr. Rhoads gave examples of the problems arising from this relationship:

—In preparation and defense of its annual budget request, the Archives lacks direct access to the Office of Management and Budget and the Congress, but rather, must operate through GSA as an intermediary. In addition, "because NARS budgets have been evaluated by elements of OMB that are attuned to buildings management, procurement, and other government-wide housekeeping functions rather than cultural programs, NARS has been unable to secure the resources essential to its mission, and has lagged far behind other cultural and heritage agencies."

Under GSA's structure of centralized support services, such as legal counsel, personnel management, budget, public information, and OMB and Congressional relations, "public information, these services has often been poor and non-responsive to the specialized needs of NARS."

—Top Archives officials "are required to spend a great deal of time in meetings and, on paperwork, having little or no relevance to NARS programs and problems, detracting from their ability to manage the Archives effectively." Another aspect of the difficulties in the GSA/NARS relationship is the lack of understanding of the mission of the Archives. Dr. Samuel Gammon, executive director of the American Historical Association, referred in his testimony to the "simplistic belief that the Archives is merely the government's file clerk." Similarly, Dr. David Gracy, State Archivist of Texas and President of the Society of American Archivists, contended that "Administrators of GSA . . . have lacked the background inclination, and—with an average tenure of less than two years—the time to make sound archival and records management policy."

This apparent lack of understanding of the archival function has led GSA over the years to make proposals for alterations in the operations of the Archives that would have had damaging or wasteful consequences. For instance, there was a proposal in the late 1970's to decentralize the core holdings of the Archives and redistribute those holdings to regional centers. While decentralization generally might be a useful tool in improving managerial efficiency in GSA's other operations, in the context of Archives operations such a move would have hindered research efforts and run directly counter to the archival goal of maintaining the unity and integrity of records collections. More recently, GSA has imposed a "zero growth" policy on Archives Records Centers. This policy, according to Dr. Rhoads,

has forced the retention of records within the agencies, a cost of over \$13 per cubic foot of records, compared to storage costs of under \$1.00 per cubic foot in the Records Centers. Further, the personnel-intensive nature of Archives operations has made it especially vulnerable to budget cutbacks and reductions-in-force imposed agency-wide on GSA. The damage done by curtailed funding not only impairs the Archives' ability to function effectively on a day-to-day basis; it also jeopardizes the Archives long-term mission of preservation and protection of vital Federal records of historical value. Lt. Col. (Ret.) Varney R. Nell, president of the National Genealogical Society, pointed out some of the future consequences of present curtailed Archives budgets: " . . . it has not been possible to recruit and train a new generation of archivists. The last class of trainees was hired five years ago, and many of them were lost in the 1982 reduction in force. The problems associated with an overcrowded and outdated National Archives building can only increase in the future. Lack of adequate climate control in records storage areas may contribute to the deterioration of those records. A slowdown in the accessioning of records, due to a lack of both staff and space, postpones the time when these records will be available to researchers."

As serious as the above problems are, they can be characterized as merely the unintended results of the bureaucratic relationship between the Archives and GSA. Equally serious is the effect of the intentional vesting of statutory authority for archival functions in the Administrator, with delegation to the Archivist, only as the Administrator sees fit. This statutory structure poses the constant threat of manipulation of the Archives' professional processes to achieve political purposes. The most striking instance of this threat becoming reality occurred in 1974, when the Administrator entered into an agreement with former President Richard Nixon which would have given Mr. Nixon substantial continuing control over his presidential records and could have empowered him to order those records destroyed. According to Dr. Rhoads, who was Archivist at the time, "This agreement was negotiated and signed without the participation or knowledge of any official of NARS."

The agreement with former President Nixon was overruled by an Act of Congress (The Presidential Recordings and Materials Preservation Act, P.L. 95-556), and the incident led to passage in 1978 of the Presidential Records Act (P.L. 95-581), which made clear that "The United States shall receive and retain complete ownership, possession, and control of Presidential records Unoubtedly, Congress would be prepared to respond in the future to any equally egregious example of attempted manipulation of the Archives for political purposes. Nevertheless, to the extent that the incident was the consequence of statutorily mandated statutory relationships, the most effective corrective action is to alter those relationships to prevent a recurrence.

In summary, the placement of the National Archives within the General Services Administration, and the vesting of statutory authority for most archival functions in the Administrator of General Services, has operated as an impediment to the fulfillment of the Archives' mission of managing and preserving the records of the Federal government. The difficulties experienced by the Archives

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in its present structure have also had a harmful effect on its professional standing; when Dr. Gracy, the president of the Society of American Archivists, was asked how the National Archives is perceived in the professional archival community, he replied, "As a former leader."

IV. AN INDEPENDENT NATIONAL ARCHIVES

H.R. 3987 corrects the situation described above by establishing a National Archives and Records Administration as an independent agency in the executive branch. Title I of the bill would transfer the archival related functions of Title 44 of the United States Code to the new agency and vest those functions in the Archivist. Archival related entities such as the National Archives Trust Fund and the National Historical Publications and Records Commission likewise would become part of the new Archives and other statutory duties of an archival nature would become the responsibility of the Archivist.

The Archivist

Under Section 102 of the bill, the Archivist of the United States would once again become a Presidential appointee, to be confirmed by the Senate. H.R. 3987 recognizes the desirability of ensuring that the Archivist, like other presidential appointees in the executive branch, will be responsive to the leadership of the president, while at the same time providing the Archivist with a degree of insulation from improper political pressure in the discharge of his duties. To achieve both these ends, the bill specifies that the Archivist shall be appointed without regard to political affiliations and solely on the basis of his or her professional qualifications. The Committee expects that this will be achieved through consultation with recognized organizations of professional archivists and historians.

The bill provides that the Archivist may be removed by the President, to ensure that the President will be held accountable in the political process for any decision to remove an Archivist, it also requires that the President communicate the reasons for any such action to each House of Congress.

Records Management

Chapters 29 and 31 of Title 44 of the United States Code provide authority for records management activities by GSA and the individual agencies, respectively. Historically, responsibility for these functions was delegated by the Administrator to the Archivist, and H.R. 3987 as introduced transferred all authority under these chapters to the Archivist.

In 1980, however, Congress passed the Paperwork Reduction Act (P.L. 96-511), which had originated in the House in the Committee on Government Operations. Pursuant to the Act's goal of improving the efficiency of Federal information management functions, GSA was assigned a lead role in information resources policy formulation and oversight. Also, in the legislative history of P.L. 96-511, it was suggested that GSA consolidate its activities pertaining

to automatic data processing, telecommunications, etc., records management.

As a result, the Administrator in 1982 reassigned certain records management functions to the newly created Office of Information Resources Management. These include the records management program elements of correspondence, mail, forms, reports, certain aspects of files, micrographics, copying, and office automation (including word processing).

NARS retained records management functions pertaining to the creation of records with permanent value. These include:

- Appraisal of records for disposition authority for agency records.

- Appraisal of records offered for accessioning into the National Archives.

- Formulation of recommendations concerning agency disposal, long-term or permanent, retention, and interagency transfers

- Review of Federal record retention requirements.

- Provision of technical guidance and assistance to agencies in development of disposition schedules.

- Inspection and evaluation of agency retention and disposition programs.

- Assistance to agencies in effecting systematic records retirement systems.

- Development of general records schedules governing disposition of common record types.

- Provision of guidance and assistance to agencies in developing and installing filing and classification systems to ensure proper disposition.

- Establishment of standards for protection of vital records jointly with the Federal Emergency Management Agency.

- Formulation of standards for appropriate and adequate documentation of agency organization, policy, and activities.

- Provision of technical guidance and assistance to Federal agencies in establishing records systems that adequately document agency activities.

- Ensuring that changing technology does not result in loss of adequate documentation.

- Inspection of agency documentation practices to ensure necessary and proper documentation is being preserved in a retrievable manner.

- Operation of Federal Records Centers.

- Provision of centralized microfilming services.

- Disposal of records.

- Reporting to Congress on records disposal activities.

Because of its dual interests in maintaining the integrity of the Archives records management activities and ensuring that GSA's information resources management responsibilities are carried out adequately, the Committee has paid particular attention to the proper assignment of records management responsibilities. A major focus of the Legislation and National Security Subcommittee's March 7 hearings was the issue of records management. The Subcommittee heard at that time from the three cognizant officials in the records management area: the Acting Administrator of GSA, the Archivist, and the Assistant Administrator for Information Re-

Chairman ROTH. Thank you, Professor Smith.

Next we will call on Susan Davis, the Assistant Archivist with the State Historical Society of Wisconsin, Council Member of the Society of American Archivists.

**TESTIMONY OF SUSAN E. DAVIS, ASSISTANT ARCHIVIST,
STATE HISTORICAL SOCIETY OF WISCONSIN AND COUNCIL
MEMBER, SOCIETY OF AMERICAN ARCHIVISTS**

Ms. DAVIS. Thank you, Mr. Chairman.

My name is Susan E. Davis, and I am currently the Assistant State Archivist of Wisconsin. I am also an elected member of the Governing Council of the Society of American Archivists, the SAA, the national professional archival association whom I represent today.

Our opinion is shared by 15 other archival and professional organizations.

My purpose is to express our strong opposition to the nomination of John W. Carlin as Archivist of the United States.

I would like to thank the Committee for allowing me to testify.

The National Archives and Records Administration Act of 1984 provides that the Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office. This point was reinforced in the conference report on the National Archives and Records Administration Act of 1984. In that report, you, yourself, Mr. Chairman, stated that "the conference agreement recognizes the need for the Archivist to be a dedicated professional in the field of archival matters, the treatment of historical records, and in records management procedures."

In that same report, Senator Mathias said: "The conferees intend that he or she be an officer performing professional archival and records management functions insulated from the political orientation and pressure of a particular Administration."

The law is written to guard against the appointment of someone whose resume suggests a combination of weak professional credentials and strong political loyalties. This very concern forms the basis of our opposition to Governor Carlin.

Governor Carlin's supporters say that anyone with managerial skills alone has the essential qualifications to be Archivist. To say this is to say that the Surgeon General need not be a doctor or that the Attorney General requires no legal background.

The Archivist of the United States must also have appropriate professional knowledge to perform the key tasks. The law is clear on this point. The next Archivist must address both the management challenges at the National Archives and the critical challenge of preserving the nation's archival record in today's rapidly changing electronic information environment. He or she must understand the complexities of Government information, the technological and administrative components of managing records, and the role of the National Archives in documenting Federal policies, programs, and actions.

Without the requisite professional background, the incumbent will not be equipped to independently evaluate the advice of deputies and ask the hard questions. The Archivist would thus be vul-

nerable to whichever interest group was the loudest and most persistent.

When we interviewed Governor Carlin, we found that he did not have a clear understanding of the mission and responsibilities of the National Archives. He spoke in vague generalities and could neither respond to our questions nor even articulate reasons for wanting to be Archivist. He stated to us that he felt he did not need to know anything about archives.

It is clear that Governor Carlin not only lacks the professional expertise requisite for the position. Even more seriously, Governor Carlin would be a political appointee who would further politicize the office of Archivist of the United States with serious long-term danger to the integrity of the Nation's history.

Relevant to this point is the fact that the Presidential Records Act of 1978 permits the destruction of Presidential records only if the President obtains the view in writing of the Archivist concerning the proposed disposal of such Presidential records.

The previous Archivist signed an agreement with President Bush to relinquish control over Presidential records. This agreement has been overturned in Federal Court.

The fact that the Clinton Administration has joined President Bush in appealing the decision underscores the need to have a completely independent, unbiased Archivist who will make his decisions in the best interests of the American people.

Governor Carlin's candidacy is based on his personal and political connection to the Clinton Administration. His endorsements by other politicians is further evidence of the purely political nature of his support. The very emphasis on these connections with individual politicians and members of Congress is in direct violation of the intent of the enabling legislation for an independent National Archives.

The opposition to Governor Carlin is not based on our desire to have one of our own in the position of Archivist. It is his political background and his lack of understanding of the critical archival issues that motivates us.

In 1984, Senator Eagleton stated: "The conferees of the House and Senate want to provide as much insulation from partisan political pressures for this office as possible. The history of this office is replete with instances of threatened removals of the Archivist for purely political reasons."

In light of what has transpired in the last decade, the ongoing saga of the Nixon papers, the Bush electronic records, Iran-Contra, these issues are more important than ever.

Let me sum up. The enabling legislation requires the appointment of a non-political professional. What we are being offered is a nominee who is political and non-professional. Governor Carlin is not qualified to be Archivist of the United States.

On behalf of the Society of American Archivists, I ask that you enforce the sound requirements you placed into law 10 years ago by recommending against the nomination of John Carlin as Archivist of the United States.

Thank you very much for giving me the opportunity to speak today.

Chairman ROTH. Thank you.

[The prepared statement of Ms. Davis follows:]

PREPARED STATEMENT OF SUSAN E. DAVIS

My name is Susan E. Davis. I have been an archivist for over 20 years. I am currently the Assistant State Archivist of Wisconsin. I am also an elected member of the governing council of the Society of American Archivists (SAA), the national professional association, representing over 3500 individuals and institutions concerned with the identification, preservation, and use of records of historic value. I would like to thank the Committee for allowing me to testify.

I am here today representing the Society of American Archivists. Our opinion is shared by 14 other archival and professional organizations including the Midwest Archives Conference, the Mid-Atlantic Regional Archives Conference, the Kentucky Council on Archives, and the Society of Maine Archivists. My purpose is to express our strong opposition to the nomination of John W. Carlin as Archivist of the United States.

The Society did not come to this opposition lightly. Over the past 2 years, many candidates have been considered for this important post. Archival and historical organizations have given high marks to several of these candidates. We are very disappointed that in the end, President Clinton has chosen to nominate the one candidate who is strongly opposed by all the relevant professional organizations. The Archivist of the United States must be an individual who can ensure the integrity of federal records. We do not believe Governor Carlin is prepared to meet this challenge.

In March 1993, shortly after the Archivists position became vacant, SAA and the National Association of Government Archives and Records Administration (NAGARA) adopted a "Joint Statement on Selection Criteria for Archivist of the United States." It focused on seven areas of knowledge and expertise crucial to the successful performance as Archivist. The Society of American Archivists also developed policies and procedures for assessing prospective candidates. These criteria were intended both as a statement of principle and also as benchmarks that the White House could use during the search for a qualified candidate.

In accordance with those guidelines, I and two of my colleagues met with Governor Carlin in his office in Lawrence, Kansas on February 22, 1995. We concluded that Governor Carlin did not meet those qualifications. Our opinion is shared by all of the major historical and archival organizations in the country. The unanimity of the professional organizations' opposition to Governor Carlin's candidacy signals their absolute agreement that this nomination is essentially the political nomination of an individual lacking the legal qualifications essential to perform credibly the functions and duties of Archivist of the United States.

The National Archives and Records Administration Act of 1984 provides that "The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office." This point was reinforced in the Conference Report on the National Archives and Records Administration Act of 1984. In that report, you yourself, Mr. Chairman stated that:

"The conference agreement recognizes the need for the Archivist to be a dedicated professional in the field of archival matters, the treatment of historical records and in records management procedures."

In that same report, Senator Mathias said:

"The conferees intend that he or she be an officer performing professional archival and records management functions insulated from the political orientation and pressure of a particular administration."

The law is written to guard against the appointment of someone whose resume suggests a combination of weak professional credentials and strong political loyalties. This very concern forms the basis of our opposition to Governor Carlin.

Governor Carlin's supporters say that anyone with managerial skills alone has the essential qualifications to be Archivist. To say this is to say that the Surgeon General need not be a doctor, or that the Attorney General requires no legal background. The Archivist of the United States must also have appropriate professional knowledge to perform the key tasks. The law is clear on this point.

The next Archivist must address both the management challenges at the National Archives and the critical challenge of preserving the nation's archival record in today's rapidly changing electronic information environment. He or she must understand the complexities of government information, the technological, legal, and administrative components of managing records in the information age, and the role

of the National Archives in documenting federal policies, programs, and actions. Without the requisite professional background, the incumbent will be unable to speak with credibility. He or she will not be equipped to independently evaluate the advice of deputies and ask the hard questions. The Archivist would thus be vulnerable to whichever interest group was loudest and most persistent.

When we interviewed Governor Carlin, we found that he did not have a clear understanding of the mission and responsibilities of the National Archives. He spoke in vague generalities and could neither respond to our questions nor even articulate reasons for wanting to be Archivist. In the more than 2 months that had passed between his White House interview and his subsequent interview with SAA, he made little or no effort to learn about the agency he was being recruited to lead. He stated to us that he felt that he did not need to know anything about archives to lead the agency. Then he drew the parallel that, after all, he had not needed to know anything about superconductivity to serve in his current capacity as CEO of Midwest Superconductivity.

It is clear that Governor Carlin lacks the professional expertise for the position. More seriously, we believe that Governor Carlin would be a political appointee who would further politicize the office of Archivist of the United States, with serious long-term danger to the integrity of the nation's history. It is true that the National Archives needs an able spokesperson who can work well with the legislature and the White House. What the National Archives does not need is a leader who views the interests of the President and Congress above taking a professional and non-political view of the information and records management needs of the people who elected the President and Congress. Governor Carlin expressed to us quite plainly his view that the Archivist's first responsibility was to the interests of the President and Congress.

Relevant to this point is the fact that the Presidential Records Act of 1978 permits the destruction of Presidential records only if "the President obtains the view, in writing, of the Archivist concerning the proposed disposal of such Presidential records." The previous Archivist signed an agreement with President Bush to relinquish control over Presidential records. This agreement has been overturned in Federal Court. The fact that the Clinton administration has joined President Bush in appealing the decision underscores the need to have a completely independent, unbiased Archivist, who will make his decisions in the best interests of the American people.

The nomination of Governor Carlin as Archivist clearly violates the law calling for a non-political qualified Archivist. Governor Carlin's candidacy is based on his personal connections to the Clinton administration and his years in elected Democratic office. His endorsements by other politicians—and not the relevant professional organizations—is further evidence of the purely political nature of his support. The very emphasis on these connections with individual politicians and members of Congress is in direct violation of the intent of the enabling legislation for an independent National Archives.

The opposition to Governor Carlin is not based on our desire to have "one of our own" in the position of Archivist. It is his political background and his lack of understanding of the critical archival issues that motivates us.

In 1984, Senator Eagleton stated:

"The conferees of the House and Senate want to provide as much insulation from partisan political pressures for this office as possible. The history of this office is replete with instances of threatened removals of the Archivist for purely political reasons. The professional public duties of the Archivist are to assist agencies in setting up their records systems and managing and storing them, in determining what constitutes a Federal record, in approval of the disposition of agency records, in transferring permanently valuable records to the Archives, in preserving them and making them available to Federal agencies, scholars, and other public and private users."

In light of what has transpired in the last decade, the ongoing saga of the Nixon Papers, the Bush electronic records, Iran contra, these issues are more important than ever.

Let me sum up. The enabling legislation requires the appointment of a non-political professional; what we are being offered is a nominee who is political and non-professional. Governor Carlin is not qualified to be Archivist of the United States.

On behalf of the Society of American Archivists I ask that you enforce the sound requirements you placed into law 10 years ago by recommending against the nomination of John Carlin as Archivist of the United States.

Thank you very much for giving me the opportunity to speak today.

Chairman ROTH. We will now turn to Howard P. Lowell, State Archivist and Records Administrator of the Delaware State Archives and Immediate Past-President and Member of the Board of Directors of NAGARA.

Mr. Lowell?

TESTIMONY OF HOWARD P. LOWELL, STATE ARCHIVIST AND RECORDS ADMINISTRATOR, DELAWARE STATE ARCHIVES AND IMMEDIATE PAST-PRESIDENT AND MEMBER OF THE BOARD OF DIRECTORS, NATIONAL ASSOCIATION OF GOVERNMENT ARCHIVES AND RECORDS ADMINISTRATORS

Mr. LOWELL. Thank you, Mr. Chairman.

Let me add that as a member of the Board of NAGARA, I am also NAGARA's liaison to the National Archives.

Chairman ROTH. Would you bring the microphone a little closer, please? Thank you.

Mr. LOWELL. You are welcome. Thank you.

The National Association of Government Archives and Records Administrators is a nationwide association of government archival and records management programs at the national, State, and local government levels. We are concerned with all phases and aspects of the management of Government records.

NAGARA has specific interest in and concern for the National Archives and Records Administration. Not only is it the Government's records office, it is also the premier Government records program in the nation and a potential leader for us all.

We regret that the position of Archivist of the United States has been vacant for more than 2 years. The Association's mission statement adopted last year pledges us to play a leadership role in national issues, including the development of a stronger and re-focused NARA.

The Association issued a position statement, *The National Archives and Records Administration: Suggestions for Future Directions and Priorities* 2 years ago, and, with the Society of American Archivists, we issued the *Joint Statement on Selection Criteria for Archivist of the United States*.

The NAGARA Board of Directors decided not to support or oppose anyone for this position until President Clinton made a nomination, and then to meet with the person to ascertain his or her views on critical issues. President David Hoober, myself as Immediate Past-President, and Executive Director Bruce Dearstyne met with Governor Carlin on May 21st, a meeting arranged by the White House Personnel Office.

John Carlin has an impressive set of leadership and governing skills. His background and experience have included consensus-building, working with diverse groups, identifying and developing strategies to meet service needs, and working closely with legislators to build and strengthen programs.

His tenure as Governor provided considerable experience in program planning and management and in modifying programs as appropriate to meet changing needs. He is results-and-product-oriented and stresses the benefits of change in moving institutions ahead.

NAGARA believes that he has identified several key issues and problems for early attention, including the management of electronic records.

NAGARA is concerned about whether Mr. Carlin meets the law's requirements that the appointment be made without regard to political affiliations and solely on the basis of professional qualifications. Mr. Carlin, a former legislator, Governor, Congressional candidate, and campaign manager for President Clinton's campaign in Kansas, obviously has a strong political identity and affiliation. But in our meeting, he indicated to us that he did not seek the position of Archivist, has not sought partisan support to obtain it, and would approach his duties with a responsibility to the law and the Nation rather than just to the President.

Mr. Carlin also is not a professional archivist, librarian, records administrator, or information manager by either education or background. Therefore he does lack in-depth knowledge of archival issues and techniques. It will be critical for him to make key appointments, particularly to his senior staff, of people who can work with him to clarify these issues and then begin to address them.

NAGARA believes that there are 6 critical activities that must be initiated quickly and managed effectively by the next Archivist. These are:

Development of effective policies and programs to deal with the identification, preservation, management, and accessibility of records produced by electronic information systems;

Full NARA participation in the Administration's NII or National Information Infrastructure initiative and other initiatives that are shaping Government information policy;

Ensuring that there is sufficient and secure storage space to accommodate the Government's archival records in the future;

Secure sufficient resources for NARA operations on a continuing basis;

Developing partnerships with State and local Government records programs to ensure an intergovernmental approach to records and information resource management issues where appropriate;

And establishing mechanisms such as advisory committees to secure advice and support from the various constituent groups that NARA must serve.

In conclusion, Mr. Chairman, NAGARA believes that John Carlin has the background and experience to address these issues and to be an acceptable leader of the National Archives and Records Administration.

We appreciate the opportunity to present our views at this hearing.

Chairman ROTH. Thank you, Mr. Lowell.

Finally, Ms. Kumar?

TESTIMONY OF MARTHA JOYNT KUMAR, PROFESSOR, DEPARTMENT OF POLITICAL SCIENCE, TOWSON STATE UNIVERSITY AND VICE PRESIDENT, PRESIDENCY RESEARCH GROUP; ACCCOMPANIED BY TERRY SULLIVAN, PROFESSOR, UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND SECRETARY, PRESIDENCY RESEARCH GROUP

Ms. KUMAR. Thank you, Chairman Roth and Senator Glenn.

My name is Martha Joynt Kumar. I am a Professor of Political Science at Towson State University. I am also Vice President of the Presidency Research Group.

Today, I am accompanied by Professor Terry Sullivan of the University of North Carolina at Chapel Hill, who is our Secretary. He is also Director of the PRESIDENT Project.

Speaking for the Presidency Research Group, we want to thank you for this opportunity to offer our views. Formed in 1981, the Presidency Research Group is an organization representing the nation's scholars interested in the Presidency and as such has a particular interest in the appointment of the Archivist of the United States.

As regular users of the Archives, we are concerned with its leadership. Almost all of our 17 officers and Board members regularly use the National Archives in their professional research.

In addition, the Presidency Research Group is an active sponsor of PRESIDENT, a public/private partnership working to bring the Presidential libraries onto the Internet for improved access by scholars and by the general public.

The Board and many members of our organization have given substantial thought to the issues around the appointment of the Archivist of the United States and to the nomination of John Carlin to fill that post.

Beginning in February, we developed an online conversation cross-country on our computers. We established a series of qualifications for the post. Then we engaged in a debate on the position. We conducted an interview with Governor Carlin. We interviewed people in Kansas who had worked in the Administration and people who had worked with records.

We completed a discussion of Governor Carlin's background, his professional qualifications, and past experiences. As the past is prologue, we believed it was important to see what were his actions in Government in the past, so that we could predict what kinds of things, as accurately as one can, what kinds of things would he do in the future.

Our Board members overwhelmingly agreed in a recent vote that Governor Carlin has a professional background appropriate to head the National Archives and Records Administration. Since we have circulated a written statement detailing our findings, I will only mention what we consider the three most important elements of our decision.

First, his 8 years as Governor of Kansas and an additional 8 years in the State legislature, including 2 years as Speaker of the House, are experiences relevant to the challenges of administering an Executive agency. He handled a budget of considerable size and a large workforce.

In his last Fiscal Year in office, Governor Carlin worked with a budget of total expenditures of \$3.629 billion and a full-time workforce of 42,857 State employees.

In its 1993 annual report, the National Archives and Records Administration describes itself as having 3068 employees and a budget of \$167,897,000. It is a substantially smaller operation than what Governor Carlin has proved capable of handling in the past.

An Archivist of the United States must provide an environment of stability and continuity within which agency experts can focus on their particular specialties. With a surfeit of archivists already within the agency, the Archivist of the United States first and foremost should be an able manager.

Second, Governor Carlin comes with the standing needed for an Archivist to maintain a position of independence and a history of having opened his own gubernatorial records. Governor Carlin brings that standing that a successful statewide officeholder develops through repeatedly facing the electorate. His reputation is an asset he is likely to protect, not squander.

A peer is better able to say to a President that a particular action with Government records would be unwise. Governor Carlin forthrightly made his own gubernatorial records available.

In fact, before Governor Carlin came into office, as observed a person familiar with the gubernatorial records process in Kansas, "A Governor's records were a lot like the worst nightmare of the Presidential Records Act, the Chief Executive completely controlling and manipulating the record. Governor Carlin changed that by creating a tradition of openness and access".

Third, Governor Carlin has a history of successfully working with elected officials on both sides of the aisle. Bipartisan support from members of Congress indicates that Governor Carlin has the base to administer the National Archives in a non-partisan manner without regard to the considerations of a political party.

In his 8 years as Governor of Kansas, he operated in a political setting that required the development of bipartisan coalitions to govern. While a Democrat, he was able to successfully deal with a Republican legislature. Not one of his 127 vetoes was overridden by the State legislature.

As Archivist, his expressed intention is to serve in a non-partisan manner. "I intend to be literally non-political in terms of partisan politics," said Governor Carlin in our interview with him.

The National Archives serves as our nation's memory. Yet it has been the object of neglect by those it especially serves. In its 10 years as an independent Executive agency, it has had an Archivist for barely half of those years. Assuming that those leaderless years were dissipated in searches for an ideal candidate, no one has emerged who satisfies all of those involved in the process. It is now time to move on and fill that position with a professional who has the background to manage an independent Executive agency and now has the support of officeholders from both sides of the aisle. Governor John Carlin is such a person.

Chairman ROTH. Thank you, Ms. Kumar.

Professor Smith, the organizations you represent certainly are well respected here, and the Committee takes your opposition to this nominee very seriously.

If the nominee were to be confirmed, what is your greatest fear, or what are your fears?

Mr. SMITH. Well, I think the greatest fear is, it is not a fear about the integrity of the nominee, as I said in my testimony a moment ago, but that the appearance of impropriety could develop, and that the nominee, with the best of all intentions, might not be able to escape from the appearance of impropriety.

We have discussed this afternoon, touched on the relationship of Presidential archives, Presidential libraries to the National Archives system. Senator Dole, in introducing the nominee, said that—and it brought a laugh—that he hopes, and, of course, we know he hopes that they will have a second library, Presidential library, in the State of Kansas.

The relationship of the Presidential libraries to the central Archives is a very important and sensitive issue, and I think it would be extremely difficult for this nominee to absolutely maintain a position of at least the appearance of impartiality if such a conflict should develop between the Presidential point of view and the national interest.

Chairman ROTH. Are you suggesting the nominee should have no political affiliations?

Mr. SMITH. No, I would not say that political involvement should disqualify a person. I can see political involvement, a record of political involvement, combined with the kinds of professional qualifications which I believe that the law requires. In that case, I think the professional qualifications could come back on any possible perception of impropriety.

Again, to undermine a bit of my own statement, professional qualifications themselves do not guarantee a great Archivist, and we have heard some discussion of less than great Archivists here this afternoon.

Chairman ROTH. And professional qualification does not necessarily mean archivist, does it?

Mr. SMITH. No. I think it means a long and deep involvement in the preservation of and recording of and analyzing of the nation's history in a sense of the kind of judgments that must be made and what is to be preserved and what is not to be preserved. I think the figure is that only 3 percent of the Federal Government records are preserved. God help us if we preserve more than that. We would be inundated.

But this kind of thing requires extreme professional experience, extensive.

Chairman ROTH. Although you could certainly contend that professional qualifications could include such things as professional manager.

Mr. SMITH. Well, I think professional management is important, I think, and indeed essential. I think the recent difficulties that the Archives have experienced—and I think we are all in agreement on that—the record of the Archives from a managerial point of view has not been exemplary in the recent past.

But that alone, as I said earlier, must be reinforced by a sense of what records management and the historical record involves. These are professional skills comparable, as other witnesses have

said, to the skills in medicine required for certain positions or in law required for other positions.

Chairman ROTH. Ms. Davis, you expressed unanimity of the professional organizations in opposition to Governor Carlin. On the other side, we have heard Mr. Lowell and Ms. Kumar in support of the nominee.

Considering that SAA and NAGARA joined in the statement of selection criteria, how do you reconcile the difference in your conclusion with that of NAGARA?

Ms. DAVIS. Well, it is hard for me to speak for NAGARA's reason in finding Governor Carlin adequate. We spent a good deal of time and have talked to several of the names, the individuals who have gone to the White House for interviews. I, myself, have been involved in three of these interviews. And we looked very carefully—

Chairman ROTH. Could you pull the microphone a little closer?

Ms. DAVIS. We looked very carefully at what the legislation said that the Archivist should have in terms of professional credentials and the definition of political neutrality, so to speak. And we made our decision based on what we feel is a very clear reading of the law.

And I think some of the questions that you Senators have asked earlier touch on some of those same questions that we had about the ability of someone whose candidacy has been promoted in the way that it has by people who are affiliated with the National Archives, friends of the former Archivist, brings that in question.

And as Professor Smith pointed out, just the hint of impropriety I think should really be a warning to us about the dangers of proceeding.

Chairman ROTH. It is interesting in looking at the specific language in the legislation. One does get different interpretations.

Former Senator Mathias in his letter, which we included as part of the record, takes a fairly restrictive point of view, if I read it correctly, whereas Tom Eagleton takes a much broader view in his letter.

His says: "When we began drafting the Archive statute, some people suggested to us that we define the qualifications very narrowly, so as to require that the Archivist have doctorate degrees in either history or archival work. We thought that this was much too narrow. I remember saying to my Staff Director: Some of the greatest Librarians of Congress never had degrees in library services."

And I guess Jack Brooks, the former Congressman, takes even a broader point of view. In his letter to us, he says: "I understand"—and he was Chairman of the Committee at the time—"I understand that some individuals have advised the Administration that this language means that the appointment must be limited to a professional archivist or historian. Let me assure you, this was not our intent when we passed this legislation."

Like all legislation, there is always "wiggle room", as they say.

Mr. Lowell, let me ask you the same question I just asked Ms. Davis. How do you account for the difference between your interpretation or recommendations?

Mr. LOWELL. Well, I think, Senator, one of the things that we considered as we looked at as we looked at the criteria and we bal-

anced those against Mr. Carlin was that what we were asking for was an ideal person who perhaps does not exist.

Our Board then looked at what our perception is of skills and strengths the National Archives needs in an Archivist of the United States, a balancing, I think it is fair to say, of leadership, managerial skills, technical experience, and in our judgment we fell to the side that managerial leadership is what is needed in the Archivist of the United States position at this time in the history of the National Archives.

Chairman ROTH. Ms. Kumar, which do you think is more important, the managerial skills or technical?

Ms. KUMAR. As political scientists, we are interested in political leadership. We are interested in management. And so we feel that that is the critical issue, because there are so many problems that are facing the Archives—it has been leaderless in half of its life—that it is time to simply get on and get into the issues that the Archives needs to deal with.

Chairman ROTH. Senator Glenn?

Senator GLENN. Thank you, Mr. Chairman.

I guess my bottom line is: What is best for the Archives right now?

When that law was passed and we set out the requirements—and I was on the Committee then—I was not Chairman or anything, but I was on the Committee and voted for it—and I would never have believed possible that in a few years that we would see some of the things happen over there at Archives that we saw happen as we followed that law. And we had a big mess.

This Committee does not very often go out on its own completely with investigations with our own staff right here, because we do not have a big enough staff. But we did it because there was such a mess over there.

And so my concern on this is more what is best for Archives right now.

I think John Carlin brings government management skills to the job. This, is my view, and he should get some of you people to be on a Board, to come and advise him. I hope he wants to ask you and your organizations, I am sure he is going to be looking for a lot of advice.

And I see that as—right now as being—I think that is a very constructive thing to do. But the number one thing to do right now is to bring management to that place.

I do not know whether all of you read our Committee report from back a couple of years ago. Did all of you read that, see that? Mr. Smith?

Mr. SMITH. I did not; no, sir.

Senator GLENN. Did you read it? You read it?

Ms. KUMAR. We have discussed it in our written statement.

Senator GLENN. OK, yes. Well, I am sorry. I was back late here. We have had conflicts this afternoon obviously, and we apologize for that, which I am sure the Chairman has already done.

But I just think right now what is needed is to get real control of that. And I think there are lots of people like yourselves here, who are pros in the field, and that is fine—historians, archivists, whatever.

Now I want to broaden out the usual, traditional role of archivists also. In the old days, it was paper, period, and that was it. You dealt with paper. You did not deal with museum things and old Presidential automobiles in the libraries and all these different things that you are all familiar with, because you have been to some of those places, I am sure.

And so we are in a whole new deal here where the Archivist is dealing, at least in part, with these Presidential libraries. Judgment in these areas has to go beyond just paper.

And then as a Federal Government, we are—what I said earlier in my opening statement, I am very concerned about how we are going to handle electronics. And you are the people who are experts in giving some advice in that area, and I hope you are free to give it to this Committee, to John Carlin, to anybody else, because I think that is—we are going to end up in a quagmire over there that we will have computer types, and whether it is Windows or DOS2 or 3 or 5 or 6 or whatever we have—I am not even sure of all the names of them—they have to be able to be accessed by schools, by historians, by people like yourselves. We have a new flow of information, a new superhighway, and I do not think we have even begun to deal with it.

My view is that we need somebody over there who can really manage that place and be tough about it—because we were really upset about what was going on over there and justifiably so when you read that report—there were things going on I would never have believed possible in the Archives of the United States of America. We need somebody who is going to run a tight rein over there and at the same time call on the expertise of the people already over there on the staff—you have a lot of very, very dedicated people over there—and call on them and people such as yourselves to move into what to me is a whole new day in the field of archivs.

We are moving into electronics. You have got to preserve the paperwork. We are trying to reduce that. We are trying to do more things electronically and cost-effectively. And I just think that management is what is needed over there.

I appreciate your concerns. I know when you work full-time in this field, and you see someone come in who does not have your same kind of background of expertise in what are strictly historical matters, it gives you some concern, and I understand that.

But I think the kinds of expertise that will be available to John over there, I think, from people like yourselves, I think we go into a new day here that is going to be a real step forward. I truly do.

That is the reason why I do not put quite so much strict interpretation on what we wrote back in 1984, because I do not think even 11 years ago in 1984 we had the same problems we have over there today. And I saw some things develop where that place has to get managed first, and then secondly, it is going to take on a whole new level, a whole new direction of emphasis. And the old rules of archival history where you dealt with paper and everything else was over here someplace for people to pore over as artifacts or whatever, I just think we are moving beyond that.

The Presidential libraries have certainly moved beyond that. You go to those places, and it is about one-tenth paper and two-thirds

old whatever—coffee mugs and automobiles and all sorts of things, and that is fine. I am not trying to play those down at all. And under the administration of the Archivist, you have got to deal with those things out there, how are they doing, and do we put more money into helping them or do we not.

Those are areas of management and judgment to me that go far beyond just the old traditional roles of archiv.

That is some question. Answer it [laughing].

I am making more of a statement than a question. But that just sort of summarizes my view of this whole thing. I think we need management. I think John Carlin can bring those skills over there. And Lord knows, we need some straightening out, because if you have not read our Committee report from 2 years ago, it is still valid as our concerns about what is going on—

Mr. SMITH. I am independently aware of what you were talking about, although I have not read your report, sir.

Senator GLENN. Yes, OK, fine. Well, I did not mean that you had to have read every word as a litmus test or anything.

Mr. SMITH. No, I know.

Senator GLENN. But you know what I am talking about. You are aware of the problems that we have had over there.

So that is my main concern, and I just toss that out. I do not expect any comment back. You have all expressed yourselves here. And we appreciate your waiting around this afternoon certainly. It is quarter to six. I do not know how long the Chairman plans to ask questions here, but I have no more questions myself.

Thank you, Mr. Chairman.

Chairman ROTH. Well, I do not either. I want to express my personal appreciation to each of you for being here today in a most important matter.

I apologize again for the delay. But I think it is important that we move forward with the process. And again, I appreciate your being here today.

The Committee is in recess.

[Whereupon, at 5:47 p.m., the Committee was recessed, to reconvene at the call of the Chair.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT SUBMITTED BY THE PRESIDENCY RESEARCH GROUP

Formed in 1981, the Presidency Research Group is an organization representing the nation's scholars interested in the presidency and as such has a particular interest in the appointment of the Archivist of the United States. As regular users of the Archives, we are concerned with its leadership. Almost all of our seventeen officers and board members regularly use the National Archives in their professional research. In addition, the Presidency Research Group is an active sponsor of *PRESIDENT*, a public/private partnership working to bring the presidential libraries onto the Internet for improved access by scholars and the general public.

The board and many members of our organization have given substantial thought to the issues around the appointment of the Archivist of the United States and to the nomination of Governor John Carlin to fill that post. Beginning in February, we established a series of qualifications for the post; engaged in a continuous debate on the position; conducted an interview with Governor Carlin; and completed a discussion of Governor Carlin's background, professional qualifications, and past experiences.

The board members of the Presidency Research Group agree Governor Carlin has a professional background appropriate to head the National Archives and Records Administration. We believe his 16 years in elected political office provide a firm base for managing an agency the size of the National Archives and Records Administration. He has indeed successfully managed a large work force; he comes with the standing needed for an Archivist to maintain a position of independence; and he has a history of successfully working with elected officials on both sides of the aisle. His 8 years as governor of Kansas and an additional 8 years in the State legislature, including 2 years as Speaker of the House, are experiences relevant to the challenges of administering an executive agency. In both the executive and legislative branches, he created budgets regularly, developed policies on a broad range of subjects, managed a large government service many of whose employees were covered by civil service status, and operated in a context where opposing parties controlled the executive and legislative branches. He handled a budget of considerable size and a large state work force. In his last fiscal year in office, Governor Carlin worked with a budget of total expenditures of \$3.629 billion and total revenues of \$4.112 billion.¹ In that year there were 42,857 full time employees of the state.² In its 1993 annual report the National Archives and Records Administration describes itself as having 3,068 employees and a budget of \$167,897,000.³ It is a substantially smaller operation than what Governor Carlin has proven capable of handling in the past.

Strong management experience is critical in the selection of an Archivist of the United States, especially as the agency has been without a head for approximately half of its 10 years as an independent executive agency. An agency head must have a permanent portfolio to lead with the confirmed authority that comes from having gone through the nomination process. Of the 5 years that the Archives did have an Archivist, your Committee found sharp fault with the management practices exercised during three of those years. In "Serious Management Problems at the National Archives and Records Administration," your Committee reported that you "found that the management of the National Archives and Records Administration has, during the years 1989-1992, reflected a pattern of expedience and control which has

¹The Council of State Governments, *Book of the States*, 1990-91 (Lexington, KY.: The Council of State Governments, 1990), vol. 28, p. 292.

²Ibid., p. 358.

³National Archives and Records Administration, Annual Report, 1993, *The National Archives at Sixty*, pp. 42-43.

been regularly substituted for sound management.”⁴ In particular, you cited problems with leadership at the top of the agency. “Archivist Wilson bears primary responsibility for the myriad of expedient and short sighted actions raising questions of compliance with laws, regulations, and standards of conduct detailed in the report.”⁵ With a 10 year history of unsteady leadership, management issues are the penetrating concerns facing the National Archives and Records Administration.

An Archivist of the United States must provide an environment of stability and continuity within which agency experts can focus on their particular specialties. With a surfeit of archivists already within the agency, the Archivist of the United States first and foremost should be an able manager. As a manager, he can call on staff to develop specific agency policies. In our interview with him, Governor Carlin confirmed that “in my judgment, the person at the top needs to be as much as anything a manager, an administrator, a leader, a spokesperson, a salesman.”⁶ As governor, he appointed people whom he considered to be talented and then let them do their work. Robert Harder, who in addition to Governor Carlin, served four other governors of both political parties as Secretary of Social and Rehabilitation Services commented on his management style. “Once a secretary was appointed, he was expected to do his job,” the secretary observed. “He made no pretense of being an expert on welfare programs or hospitals and institutions. He hired us to do that.”⁷

Governor Carlin’s proven style of inclusion has historically involved a broad range of people. He explained how he prefers to work. “One of my management techniques is to involve people through the ranks so that when a decision is made you have leadership and support built into the whole delivery system,” he told us. His style emphasizes the involvement of those throughout the system “rather than all wisdom at the top deciding what to do and then telling those folks down through the chain of command what to do,” he continued. “But if the person in the field has some ownership or one of their colleagues is a part of putting it together, they are far more likely to be supportive of the program.” His style of inclusion would certainly work to the benefit of the Archives. An additional strength is his history of working with business groups. As chairman of the National Governors Association in 1984–1985, he made State efforts to stimulate foreign investment and the creation of export markets a centerpiece of his work with the group.⁸ Such expertise puts him in a good position to raise additional funds for activities, such as exhibits, that lie outside of the core of the mission of the National Archives.

Governor Carlin also brings the standing that a successful statewide officeholder develops through repeatedly facing the electorate. His reputation is an asset he is likely to protect, not squander. Such authority is invaluable in dealings with other institutions and their personnel. As the Archivist of the United States, the appointee needs a recognized position to deal effectively with people in the executive and legislative branches. A peer is better able to say to a President that a particular action with government records would be unwise. In addition, an official who has had to face an electorate understands the boundaries of decision-making. A professionally trained specialist, on the other hand, may wander naively into unanticipated political difficulties. The recent problems at the Air and Space Museum, concerning the proposed *Enola Gay* exhibition, provide an illustration of the shoals that a politically naive administrator may founder on and the damage that can result. As the year began, 81 House members signed a petition calling for the ouster of the director.⁹

A former elected official who has gone through the process of opening his own records, Governor Carlin is aware of the issues involved in making such records available. Governor Carlin, demonstrating an appreciation for an open information policy with government records, forthrightly made his own gubernatorial records available. “Before Governor Carlin’s day, governors owned their papers and disposed of them as they saw fit,” observed a person familiar with the gubernatorial records process in Kansas. “Most sanitized them and then deeded what was left to the State Archives with very strong reservations on their use. One former governor simply burned his records. In fact, before Governor Carlin came into office, a governor’s records were a lot like the worst nightmare of the Presidential Records Act: the

⁴ Report by the Committee on Governmental Affairs, U.S. Senate, *Serious Management Problems at the National Archives and Records Administration*, (Washington, DC: U.S. Government Printing Office, 1994), p. 37.

⁵ Ibid.

⁶ Interview with John Carlin, Terry Sullivan and Martha Joynt Kumar, May 3, 1995.

⁷ Telephone Interview with Robert Harder, Martha Joynt Kumar, May 16, 1995.

⁸ See John Hurlers, “Studies Says States See Initiative on World Trade,” *New York Times*, August 5, 1985.

⁹ John Healey, “Government and Commerce,” *Congressional Quarterly Weekly Report*, January 28, 1995, vol. 53, no. 4, p. 274

chief executive completely controlling and manipulating the record. Governor Carlin changed that by creating a tradition of openness and access."¹⁰

Bipartisan support from members of Congress indicates that Governor Carlin has the base to administer the National Archives in a nonpartisan manner without regard to the considerations of a political party. In his 8 years as the governor of Kansas, he operated in a political setting that required the development of bipartisan coalitions to govern. While a Democrat, he was able to successfully deal with a Republican legislature. Robert Harder noted Carlin's gifts in dealing with the legislature. "He certainly knows how to plot a legislative strategy," he said. "He knows how to count. During his 8 years, not a single veto was overridden by the legislature, which demonstrated that he understood just how much support he could get."¹¹ As Archivist, his expressed intention is to serve in a nonpartisan manner. "I intent to be literally nonpolitical in terms of partisan politics," said Governor Carlin in our interview with him. "I am leaving partisan politics. I am going into a position where I serve several branches and both political parties. And the only way to do that is to be a true, legitimate, independent person. I intend to treat this like a judgeship. To be nonpartisan; to do what is right and serve all branches of government." Carlin's words should serve as the standard to which he is held by the Congress and by those interested in the operations of the Archives.

The National Archives serves as our national memory, yet it has been the object of neglect by those it especially serves. In its 10 years as an independent executive agency, it has had an Archivist for barely half of those years. Assuming that those leaderless years were dissipated in searches for an ideal candidate, no one has emerged who satisfies all of those involved in the process. It is now time to move on and fill that position with a professional, who has the background to manage an independent executive agency and who has the support of officeholders from both sides of the aisle. Governor John Carlin is such a person.

STATEMENT OF THE NATIONAL ASSOCIATION OF GOVERNMENT ARCHIVES AND RECORDS ADMINISTRATORS

This statement was approved by the Board of Directors, May 22, 1995. Board members Marie Allen and Lynn Bellardo recused themselves.

NAGARA is a nationwide association of government archival and records management programs at the national, state, and local government levels. We are concerned with all phases and aspects of the management of government records and the information they contain. NAGARA has a special interest in, and concern for, the National Archives and Records Administration. Not only is it the government's records office, it is also the premier government records program in the nation and a potential model and leader for all of us.

We regret that the position of Archivist of the United States has been vacant for more than 2 years. The Association's mission statement, adopted last year, pledges us to play a leadership role in national issues, including development of a stronger and refocused NARA. The Association issued a position statement, *The National Archives and Records Administration: Suggestions for Future Directions and Priorities* 2 years ago, and, with the Society of American Archivists, we issued *Joint Statement on Selection Criteria for Archivist of the United States*.

The NAGARA Board of Directors decided not to support or oppose anyone for this position until President Clinton made a nomination, and then to meet with the person to ascertain his or her views on critical issues. President David Hoober, Immediate Past President Howard Lowell, and Executive Director Bruce Dearstyne met with Governor Carlin on May 21, a meeting arranged by the White House Personnel Office.

John Carlin has an impressive set of leadership and governing skills. His background and experience have included consensus-building, working with diverse groups, identifying and developing strategies to meet service needs, and working closely with legislators to build and strengthen programs. His tenure as governor provided considerable experience in program planning and management and in modifying programs as appropriate to meet changing needs. He is results and product oriented and stresses the benefits of change in moving institutions ahead. NAGARA believes he has already identified several key issues and problems for early attention, including the management of electronic records.

¹⁰ Background Interview, Terry Sullivan, May 19, 1995.

¹¹ Harder Interview.

NAGARA is concerned about whether Mr. Carlin meets the law's requirements that the appointment be made without regard to political affiliations and solely on the basis of professional qualifications. Mr. Carlin, a former legislator, Governor, congressional candidate, and campaign manager for President Clinton's campaign in Kansas, obviously has a strong political identity and affiliation. But, in our meeting, he indicated he did not seek the position of Archivist, has not sought partisan support to obtain it, and would approach his duties with a responsibility to the law and the nation rather than just to President Clinton.

Mr. Carlin is not a professional archivist, librarian, records manager, or information manager by education or background. Therefore, he lacks in-depth knowledge of archival issues and techniques. It will be critical for him to make key appointments, particularly to his senior staff, of people who can work with him to clarify the issues and then begin to address them.

NAGARA believes that these critical activities must be initiated quickly and managed effectively by the next Archivist:

- Development of effective policies and programs to deal with the identification, preservation, management, and accessibility of records produced by electronic information systems.
- Full participation in the Administration's NII (National Information Infrastructure) initiative and other initiatives that are shaping government information policy.
- Ensuring that there is sufficient secure storage space to accommodate the government's archival records in the future.
- Securing sufficient resources for NARA operations on a continuing basis.
- Developing a partnership approach with state and local government records programs to ensure an intergovernmental approach to records and information resources management issues where appropriate.
- Establishing mechanisms, e.g., advisory committees and groups, to secure advice and support from the various constituency groups that NARA must serve.

In conclusion, we believe John Carlin has the background and experience to address these issues and to be an acceptable leader of the National Archives and Records Administration.

A handwritten signature of Jimmy Carter, consisting of stylized loops and a small star-like mark.

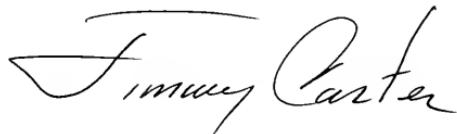
JIMMY CARTER
May 19, 1995

To Senator William Roth

I heartily endorse the nomination of Governor John Carlin as the Archivist of the United States.

In my judgment he will bring strong leadership to The National Archives.

Sincerely,

A handwritten signature of Jimmy Carter, written in a flowing cursive script.

The Honorable William Roth, Jr.
Chairman
Senate Governmental Affairs Committee
U.S. Senate
Washington, D.C. 20510

cc: Senator Robert Dole
Senator John Glenn
President Bill Clinton



The University of Kansas School of Law

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FRANCIS H. HELLER
Roberts Distinguished Professor Emeritus

Ph. 913-864-9217
Fax 913-864-5404

May 22, 1995

Hon. William V. Roth, U.S.S.
Senate Office Building
Washington, D.C. 20510

Dear Senator Roth:

A two-sentence item in the Topeka paper, almost obscured by advertising, reports that your committee will begin hearings on May 26 on the nomination of John Carlin to become the Archivist of the United States. Unfortunately I have long been committed to give some lectures on recent developments on American constitutional law at the universities of Vienna, Munich and Hamburg and will be out of the country at the time of the hearing. I ask therefore to be allowed to present my views in the form of a letter.

I believe that I am qualified to write this letter because (1) I have known John Carlin since he first came to the Kansas state legislature, and (2) I know quite a bit about the workings of the National Archives, more specifically but not exclusively the Presidential Libraries.

A few months ago I happened to encounter a cab driver who, as it turned out, came from Smolla, Kansas, John Carlin's hometown. This man did not have a single good thing to say about Carlin, but worst, so he repeatedly claimed, was that John had come to be more comfortable wearing a suit than bib overalls. I did not tell the man that this was exactly John Carlin's most remarkable achievement: that he has grown with every challenge he faced. John has shown himself a quick study. He learned the intricacies of the legislative process so rapidly that he became minority leader in record time and then speaker. Even his political opponents acclaimed his two terms as governor as among the cleanest and best managed in the history of the state. Contrary to what a former Archivist has publicly asserted, he was not defeated for reelection: He served the maximum two terms allowed by our state constitution. (The two-term limit had been recommended by a citizens' commission of which my late wife was a member. I myself am the author of the only book-length study of the Kansas constitution.)

Following his year in the state house, Carlin was invited by

of Kansas; these were always regular courses of the curriculum and he acquitted himself well, mainly because he read voraciously and was always prepared. These contacts on campus (and the fact that his wife is a member of our faculty in speech communications) led him to meet a senior member of our physics faculty, Professor Kai-Wai Wong. It was in order to help Professor Wong market his discoveries in the field of super-conductivity that he entered the private sector and founded the company, of which he is chairman of the board. Once again, here also he demonstrated his ability for quick learning and his managerial skills.

NARA, I submit, needs a chief who can manage. I have known every archivist since Wayne Grover and I have no problem recognizing that these earlier leaders of the National Archive benefited from their training as archivists. The author of the history of the Archives to the attainment of stand-alone status, Professor Donald McCoy, is a colleague and good friend of mine; I have read his study more than once. But the Archives have changed greatly since Grover's time and McCoy's book. A visit to the huge new structure at College Park, Maryland, a cursory perusal of a map of the U.S. showing the numerous NARA sites across the country, a sober reflection on the magnitude of the task of computerization which Congress expects NARA to perform -- these alone should persuade one that what is needed is not one who knows how to fill an accession record or prepare a finding aid but someone who can manage what has become a large and diverse agency of the government. There is, in other words, much more to the Archives than merely to serve the historical profession. The task of the Archives is to preserve and make usable the records of the American people.

Of all the aspects of NARA activity, the Presidential Libraries are probably most visible, but a look at the NARA budget will confirm that they are really a very minor part of what NARA does. I have served on the board of directors of the Truman Library Institute, the Truman Library's private support organization, since 1958 and have been its vice president since 1963. It is a fact that fewer than half of the people working in that library are paid from appropriated funds; it is a fact that the renovation of the library's museum, now underway, is progressing without the use of any federal tax funds; it is a fact that the amount now annually expended by the Institute for and to the benefit of the Truman Library is more than double the amount it receives from the Congressional appropriation. NARA's main problem with regard to the Presidential Libraries is how to relate to the several private support groups -- who surely will not simply hand over blank checks for NARA to use as it sees fit. That challenge was correctly identified by the Acting Archivist who has initiated staff work but so far only limited conversations with "the foundations" (to use the collective label NARA applies to the support groups). The new Archivist will need to be sensitive to the complex dynamics of the changes that are involved; I believe that John Carlin has the right qualities for this task.

Much is being made these days of the notion that the Archivist of the United States should be aloof from partisan politics, that this was one of the purposes of the law that established NARA in its present form was to insulate archival operations against political control, but nobody suggested, for instance, that it should be illegal for the appointment of the director of a Presidential Library to be cleared with the former President, if alive, or the former President's family, if he is deceased. Yet the director, once appointed, will be expected to conduct himself with the total integrity required by his profession. Qualification for office does not include being a political neuter. John Carlin has lived much of his adult life as a politician but that does not disqualify him from a position to which he brings many talents: He will be a successful manager for NARA and many of the NARA staff members (in Washington and elsewhere) eagerly wish for his confirmation. So, obviously, do I.

Please feel free to place this in the committee's records, if this seems appropriate to you.

Sincerely yours,



Francis H. Heller

AMERICAN LIBRARY ASSOCIATION
WASHINGTON OFFICE



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202-547-4440 FAX 202-547-7363

ALAWASH@ALAWASH.ORG

May 24, 1995

The Honorable William V. Roth, Jr.
Chair, Governmental Affairs Committee
United States Senate
Washington, D.C. 20510

Dear Senator Roth:

On behalf of the American Library Association, I ask that this letter be included in the hearing record on the nomination of John W. Carlin as Archivist of the United States. The American Library Association is a nonprofit educational organization of more than 57,000 librarians from school, public, academic, research, state, and specialized libraries, as well as library trustees, library and information science educators, friends of libraries, and archivists.

Concerning the appointment of an Archivist of the United States, Public Law 98-498 establishing independent status for the National Archives makes clear that such appointment is to be made "without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist."

For this reason, the American Library Association considered that the nomination of John W. Carlin as Archivist would not meet the qualifications required by the law.

The legislative history of PL 98-497 indicates clearly that the Archivist must be "insulated from the political orientation of a particular administration." Throughout the legislative history there is a concern that "the office ought not to change hands automatically with the election of a new President." Any partisan identification attached to the Archivist position would undermine the objectivity, independence, and professionalism required for decisions of a sensitive nature regarding presidential papers and other materials crucial to public access to the historical record in a democracy.

Further, the legislative history, the law, and the nature of the position require that the appointment be held by an individual

who would command the respect of archivists, historians, and other professionals concerned with the integrity of federal records.

ALA strongly recommends against an appointment that would meet neither the letter nor the spirit of the law. That spirit is admirably summarized in the House-Senate conference report on the legislation: "Public confidence in the Archivist's role will also be enhanced if the office is permitted to pursue objectively and independently the archival responsibilities necessary to insure preservation of the Nation's historically valuable records."

Sincerely,

Arthur Curley
Arthur Curley
President
American Library Association

AC/pm

Correspondence Received by the Committee Expressing Support for
the Nominee, John Carlin

Thomas H. Kean, Former Governor
of New Jersey, Drew University,
Madison, NJ

Jennings Bryant, Director,
Institute for Communication
Research, Tuscaloosa, AL

Jack Valenti, President and
Chief Executive Officer, Motion
Picture Association of America,
Inc., Washington, D.C.

Larry J. Winn, Ph.D.,
Department Head Communication/
Broadcasting, Western Kentucky
University, Bowling Green, KY

Curt Witcher, President,
Federation of Genealogical
Societies, Salt Lake City, UT

F. Gerald Handfielder Jr.,
Director/State Archivist,
Indiana Commission of Public
Records, Indianapolis, IN

Dr. Charles C. Howard, American
Communication Association,
Stephenville, TX

Martin J. Medhurst, Coordinator
Program in Presidential
Rhetoric, The Center for
Presidential Studies, Texas A&M
University, College Station, TX

Gustav W. Friedrich, Ph.D.,
Professor, Department of
Communication, Faculty Fellow
in the Office of the Senior
Vice President and Provost, The
University of Oklahoma, Norman,
OK

Cheryl Collins, Director, The
Riley County Historical Society
and Museum, Manhattan, KS

Samuel E. Dicks, Ph.D.,
Professor of History, Emporia
State University, Emporia, KS

Herbert A. Wilson, Chairman and
President, Hoover Presidential
Library Association, West
Branch, Iowa

Charles G. Palm, Deputy
Director, Hoover Institution on
War, Revolution and Peace,
Stanford, CA

Stephen Smith, American
Communication Association

Frank G. Theis, Senior Judge,
U.S. District Court, District
of Kansas, Wichita, KS

George C. Edwards III,
Director, Distinguished
Professor, The Center for
Presidential Studies, Texas A&M
University, College Station, TX

Lawrence H. Larsen, Professor
of History, University of
Missouri-Kansas City, Kansas
City, MS

William D. Rowley, Professor
and Editor of the *Nevada
Historical Society Quarterly*,
University of Nevada, Reno, NV

Dayton W. Canaday, Director
Emeritus, South Dakota
Historical Society, Pierre, SD

Ruth Keys Clark, President,
Kansas Council of Genealogical
Societies, Topeka, KS

Herbert T. Hoover, Professor,
Department of History,
University of South Dakota,
Vermillion, SD

Joseph E. Breitenstein,
President, Topeka Genealogical
Society, Topeka, KS

Mark A. Hunt, Director,
National Scouting Museum,
Murray State University,
Murray, KY

Guy Louis Rocha, State Archives
and Records Administrator,
Coordinator, State Historical
Records Advisory Board, Nevada
State Library and Archives,
Carson City, NV

Terry Sullivan, Director, Leadership Information Archives, The University of North Carolina, Chapel Hill, NC

Otis C. Mitchell, Professor of History, University of Cincinnati, Cincinnati, OH

Anita O. Happoldt, Archivist, Nixon Presidential Materials Staff, National Archives and Records Administration, College Park, MD

L.M. Cook, Chairman, Arco, Los Angeles, CA

Warren Finch, Senior Archivist, Bush Presidential Materials Project, National Archives and Records Administration, College Station, TX

Josephine F. Moeller, President, Illinois State Genealogical Society, Saint Charles, IL

James W. Goodrich, Executive Director, The State Historical Society of Missouri, Columbia, MS

Paulk M. Pruitt, Jr., Collection Development/Special Collections Librarian, The University of Alabama School of Law, Tuscaloosa, AL

Joseph R. Krier, President, The Greater San Antonio Chamber of Commerce, San Antonio, TX

Estelle Owens, Ph.D., Professor of History, Wayland Baptist University, Plainview, TX

Thomas A. Hollihan, Professor, School of Communication, University of Southern California, Los Angeles, CA

Donald W. Zacharias, President, Mississippi State University, Mississippi State, MS

John Louis Lucaites, Associate Professor and Director of Graduate Studies, Department of Speech Communication, Indiana State University, Bloomington, IN

E. Stanly Godbold, Jr., Professor, Department of History, Mississippi State University, Mississippi State, MS

Raymie E. McKerrow, Ph.D., Professor, Department of Speech Communication, University of Maine, Orono, ME

Karl Weissenbach, Nixon Presidential Materials Project, National Archives and Administration, College Park, MD

Deborah Bush, Gary Foulk, and Jimmie Purvis, George Bush Presidential Materials Project, National Archives and Administration, College Station, TX

Gordon O. Hendrickson, Ph.D., Consulting Historian, Clive, IA

Lawrence F. O'Brian, III, O'Brian/Calio, Washington, D.C.

John T. Fawcett, John Fawcetts Associates, Arlington, VA

William L. Ballard, Member, Board of Directors, Kansas Council of Genealogical Societies, Emporia, KS

Edith M. Prise, Arlington, VA

Martha L Girard, McLean, VA

John S. Tomer, Tulsa, OK

Mitchell S. McKinney, Lawrence, KS

Gary W. Beahan, Jefferson City, MS

Steven D. Zink, Ph.D., Reno, NV

Scharlott "Schar" Goettsch
Blevins, Davenport, IA

Peter E. Schinkel, College
Park, GA

Gerald George, Washington, D.C.

Edwina Case Skyles, Lake
Zurich, IL

Robert L. Knecht, Topeka, KS

William F. McConnell, Lt. Col.
USAF, Ret., Reno, NV

Loren N. Horton, Historian,
Iowa City, IA

Francis W. Schruben, M.A.,
Ph.D., Canoga Park, CA

John B. Platt, Kansas City, MS

Dennis M. Shockley, Ph.D.,
Kansas City, KS

Bobby R. Patton, Wichita, KS

Shirley Glover, Davenport, IA

Correspondence Received by the Committee Expressing Opposition
for the Nominee, John Carlin

William Kostlevy, Chair,
Kentucky Council on Archives,
Wilmore, KY

Carol D. Billings, President,
American Association of Law
Libraries, Chicago, IL

Brig Gen Roy K. Flint (USA
Ret.) President, Society for
Military History

Susan Searcy, President,
Society of California
Archivists, Berkeley, CA

William F. Holmes, Secretary-
Treasurer, The Southern
Historical Association, Athens,
GA

David G. Vanderstel, Ph.D.,
Executive Director, National
Council on Public History,
Indianapolis, IN

Nell Irvin Painter, Edwards
Professor of American History,
Department of History,
Princeton University,
Princeton, NJ

David R. Bender, Ph.D.,
Executive Director, Special
Libraries Association,
Washington, D.C.

Paul Boyer, Merle Curti
Professor of History and
Director, Institute for
Research in the Humanities,
Madison, WI

Dan T. Carter, Kenen University
Professor President, Department
of History, Emory University,
Atlanta, GA

Patricia Mooney-Melvin, Past
President, National Council on
Public History, Chicago, IL

Jean M. Alexander, Reference
Librarian, Northwestern
University Library, Evanston,
IL

Stanley N. Katz, American
Council of Learned Societies,
New York, NY

Maeva Marcus, Editor,
Documentary History of the
Supreme Court of the United
States, Washington, D.C.

Elizabeth Martinez, Executive
Director, American Library
Association, Chicago, IL

National Coordinating Committee
for the Promotion of History,
Dr. Page Putnam Miller,
Director, Washington, D.C.

Midwest Archives Conference,
Mark A. Greene, Director

Michigan Archival Association,
Larry J. Wagenaar

Mid-Atlantic Regional Archives
Conference, State College, PA

Scott B. Denlinger,
Philadelphia, PA

Elizabeth W. Adkins, Hoffman
Estates, IL

Katherine V. Moore, Kensington,
MD

Albert J. Beveridge, III,
Washington, D.C.

Richard A. Blondo, Elkridge, MD

Mrs. Charles H. Lewis, Valley
Falls, KS



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

May 17, 1995

The Honorable William V. Roth, Jr.
Chairman
Committee on Governmental Affairs
United States Senate
Washington, DC 20510-6250

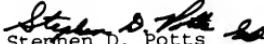
Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John W. Carlin, who has been nominated by President Clinton for the position of Archivist of the United States.

We have reviewed the report and have also obtained advice from the National Archives and Records Administration (NARA) concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is a copy of a letter dated May 9, 1995, from Mr. Carlin to the ethics official at NARA discussing Mr. Carlin's ethics agreements with respect to resignations, recusals and certain other matters.

Based thereon, we believe that Mr. Carlin is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,


Stephen D. Potts
Director

Enclosures

CWR
5/19/95

May 9, 1995



Mr. Christopher M. Runkel
 Acting General Counsel
 National Archives and Records Administration
 Washington, DC 20408

Re: Ethics Agreement

Dear Mr. Runkel:

In accordance with the regulations set forth at 5 C.F.R. § 2634.801 - § 2634.805, this letter serves as an ethics agreement for the matters discussed below.

1. I understand that if I am confirmed by the United States Senate as Archivist of the United States, I may not receive any "outside earned income" for outside employment or any other activity performed during my term as Archivist.
2. I understand that if I am confirmed by the United States Senate as Archivist of the United States, I may not hold any position, compensated or uncompensated, with any for-profit entity during my term as Archivist.

In order to implement the requirements described in §§ 1 and 2 above, I promise to resign from the following positions within 90 days of the date of my confirmation by the United States Senate as Archivist of the United States:

- a. Vice Chairman of the Board of Directors, Midwest Superconductivity, Inc.
- b. Director, National Pizza Company International
- c. President, Carlin & Associates
- d. Contractor, Schwartz & Associates¹

¹ "Outside earned income" shall, for the purposes of this agreement, have the meaning given the term in 5 C.F.R. § 2636.303(b).

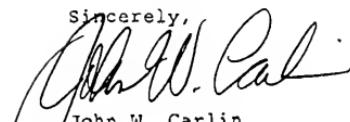
² Contracts with Schwartz & Associates are executed through Carlin & Associates. My resignation or withdrawal from any contract with Schwartz & Associates is dependent upon the existence of such a contract as of the date of my confirmation by the United States Senate as Archivist.

In order to implement the requirements described in ¶ 1 and 2 above, I further promise not to involve myself, during my tenure as Archivist, in the management of Midwest Superconductivity, Inc.; National Pizza Company International; Carlin & Associates; Schwartz & Associates; or Clark Publishing Company, of which I am part owner. My non-involvement shall begin no later than 90 days from the date of my confirmation by the United States Senate as Archivist of the United States. I will take no compensation from any of these entities from the date of my appointment.

3. If I am confirmed by the United States Senate as Archivist of the United States, I promise to resign my current position as a Director of the Foundation of the National Archives, a not-for-profit entity, within 90 days of the date of my confirmation.
4. In order to avoid any possible conflicts of interest between my duties as Archivist and my service as a Trustee for the Kansas State Historical Society and the Kansas State University Foundation, I intend at this time, if confirmed by the United States Senate as Archivist of the United States, to recuse myself from involvement in any particular matter at the National Archives and Records Administration that will have a direct and predictable effect on either the Kansas State Historical Society or the Kansas State University Foundation. The recusals will take effect on the date of my appointment as Archivist, and are subject to any waivers I might seek or obtain under 18 U.S.C. § 208.
5. I understand that I will need to submit evidence that I have performed the promises set forth above, and I agree to do so in accordance with 5 C.F.R. § 2634.804.

Thank you for your attention to this matter.

Sincerely,



John W. Carlin

¹ For the purposes of this ethics agreement, NARA includes the National Historical Publications and Records Commission (NHPRC) and the National Archives Trust Fund Board (NATFB). The Archivist is chairman of both the NHPRC and the NATFB.

Thomas B. Buell
2416 Falls Drive
Chapel Hill, NC 27514
(919) 382-0483
E-mail 72627.1621@compuserve.com

May 8, 1995

Senator William Roth
United States Senate
Washington, D.C. 20510

Dear Senator Roth:

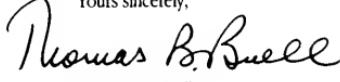
The President has nominated John W. Carlin to head the National Archives, and I am distressed that he is without any qualifications for the position. I often use the Archives in my profession as a military historian and author. The institution does a terrible job of protecting and preserving the documents in its custody. The papers of Civil War generals, especially those of the Confederacy, are not properly cared for and are rotting away from misuse and neglect. I have written to the authorities at the Archive and get the old story of lack of funds and personnel. The situation is a tragedy.

I thought there was some hope with the opening of the new annex in College Park, but it solves nothing. The Archives simply moved the deteriorating files from downtown and put them into new containers at College Park. They continue to rot away. I would never, under any circumstances, entrust any documents of value to the National Archives.

In the Senate hearings there must be inquiries as to whether he is aware of these terrible problems and what he intends to do about them. The position for which he has been nominated has been vacant for too long; we need the right person in the job.

I teach and write books about American naval and military history and am therefore one who uses the resources of the Archives. I would be pleased to testify before your committee on Government Operations which will hold hearings on his nomination to inform your colleagues on the "view from the trenches."

Yours sincerely,



Thomas B. Buell

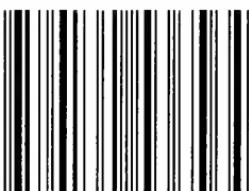


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